

THE
SOURCERY,
AND THE
STRENGTH,

TRUE SPIRIT
OF

LAW S.

In THREE PARTS:

IN WHICH THE
ERRORS of M. *de MONTESSIQUEU*,
and some other EMINENT WRITERS,
are occasionally considered.

To which are added,

ESSAYS

On the Natural Origin of

POLITICAL GOVERNMENTS.

By the Count De CATANEO,
A noble *Venetian*, in the Service of the King of *Prussia*.

London:

Printed for Lockyer Davis, near *Salisbury-Court*,
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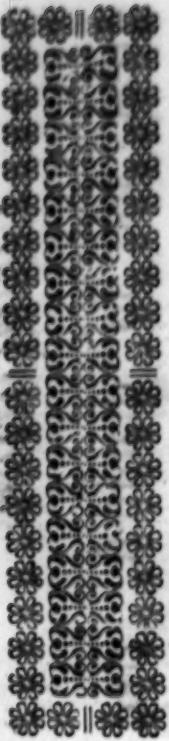
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King Cole's

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THE MUSEUM

EIN BUCH



His MAJESTY
THE
KING of PRUSSIA.

SIRE,

THE Analogy between the
Design of this Work,
and your Majesty's Paternal
Care for your People, is so

A 2 great

Dedication.

great and so manifest, that
every Reader must immediately
perceive your Majesty to have
an exclusive Right and Title
to it.

WHAT your Majesty has
recently undertaken and ac-
hieved, in regard to the Re-
formation and Execution of
the Laws in your extensive
Dominions, loudly proclaims
to the World, that you have
truly drawn from the *Source*,
and are inspired by the
Strength

Dedication.

*Strength and the true Spirit of
Laws.*

YOUR Majesty has tasted
the Pleasure and understood
the Duty of making your Peo-
ple happy, by Justice and
Equity, by Integrity of Heart
and Rectitude of Mind, from
whence flow Honesty in Com-
merce and Plenty in a State:
This is acknowledged by the
whole World; and 'tis this
that raises your Majesty's hap-

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Dedication.

py Reign to the highest Pitch
of Glory.

BUT, more than this, your Majesty has transcended even Imagination itself : For after having chained Victory to your Standards by formidable Armies, and by a Conduct peculiar to your Majesty alone, you could not be satisfied with all that Honour and Glory, till you had encreased its Splendor by the brightest Beams of the Eter-
nal Sun of Righteousness.

THE

Dedication.

THE Value of such an Example, enhanced by being so rare in History, and the Moderation with which your Majesty enjoys its divine Fruits, crowns the true Happiness of your People, and at once attracts and fixes for ever the Admiration and Applause of all the Earth.

WERE my Heart capable of containing the whole of that Admiration and Applause, it would be impossible for me to be more penetrated than I am
A 4 with

Dedication.

with such Sentiments, or with
that Respect, Veneration and
Submission, with which I shall
ever remain,

Your Majesty's

most humble,

most obedient, and

most faithful Servant,

De Cataneo.

Author's Advertisement



Whether I may be thought by some ; or
if my Countrymen will be inclined to give
me a share of their language ; or if
I may be allowed to speak
my Countrymen's language.

London : Printed for the Author.

Author's Advertisement

TO THE READER.

READER.

FOR an *Italian* to write in *French*,
I must confess, is too bold an
Undertaking ; but what is it that a
Man will not attempt for the publick
Good ? The Language of *France* is
the

the most prevalent in *Europe*, and
within the most natural and free; Circum-
stances not a little to the Honour
of that learned and polite Nation.

For twenty Years past I have indeed carried on a literary Correspondence in *French*, and may perhaps have tolerably well acquitted myself of it: But there is a wide Difference between writing private Letters, and composing for the Press; and I must either submit to it, or not publish this Work. Besides, the Authors at whom most of my Reflections are levelled, might never come to the Knowledge of it unless by unfaithful Reports, had I continued to write in *Italian*, as I have done on other

to the Reader.

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ther Subjects already published; and it might even be deemed impertinent, to attack them in a Language which, possibly, they do not understand.

It may probably be said, of this Work, that it is faulty in the Style, that the Language is not pure and elegant, nor the Orthography modern. I shall give up all this; and observe only, that if I do not always express Things so well as it might be wished, 'tis owing to my writing in a Language that is not natural to me.

BUT if these Excuses should not be allowed, I should nevertheless be justified by the great Desire I ought

to have to speak to my King in a Language which he delights in; and is thoroughly Master of: Neither can I labour without having his Royal Service and supreme Approbation in View.

I ALLOW before-hand all the Criticisms that may be made on the Turn of Phrase, which must needs sometimes lean towards the *Italian*, as also on the Stile, which is not uniform throughout, and on some Terms that may be obsolete; for living Languages are like the Men the *Platonicians* speak of, *idem* & *alterum*. In short, if I have explained myself sufficiently, it is as much as can be expected from a Foreigner.

I SHALL

I shall not, however, shew the same Unconcern about a Criticism on my Sentiments; and as I shall endeavour to profit by the Knowledge and Reflections of such learned Men as persuade and convince, I shall take no Notice of all those who, not knowing how to explain themselves, impertinently knock one down with a Heap of pedantic Authorities and frivolous Arguments.

As the Merit of the Author of *The Spirit of Laws* had long prepossessed me in Favour of some of his former Pieces, I immediately set about canvassing that Work, dazzled with the Title and Design of it. I found the

the Enterprise magnificent, and worthy of the Author's great Genius; It abounds with ingenious Thoughts, learned Arguments, and noble Sentiments; though sometimes in so long a Career, his Mind unbends and flags; and too often he wants Courage to shake off a certain Yoke that cramps his Ideas.

As I did not expect to see him act the Part of a rigid Divine, I was the less startled at certain Propositions, which have shocked a scrupulous Critic, for want of putting a right Construction on the Author's Words and Intention. I should be very sorry to have done the same in some Remarks I have occasionally made on certain Propositions

tions which I could not relish. But I hope I have, in those Remarks, preserved all the Regard due to an Author of his distinguished Birth, Rank, and Merit.

As for the rest, if we are not agreed about the essential Article, *Revealed Religion*, to which I inviolably adhere; What matters it in this Case?

Is it not lawful to reason about Law, Politicks, Philosophy, and Morality also, with *Heathen Philosophers*, *Rabbins*, *Mufti's*, *Gymnosophists*, and all the *Literati* of *China* and *Japan*? My bo-

ok is not to be sold to *Heathen* *Philosophers*. However, it would be intolerable Injustice, to impute Irreligion to the Author

Author of *The Spirit of Laws*, after all that he himself has said of it in his Work, as well as in his prudent Apology, which I cease not to admire, on Account of the incomparable Tranquillity he therein manifests. Surely a Man must be very certain of what he is about, to fight thus coolly and deliberately.

So much by way of Preface.

THE
Spirit of Laws
An Apology
for the Author
of the
Spirit of Laws





THE
SOURCE
OF
LAW

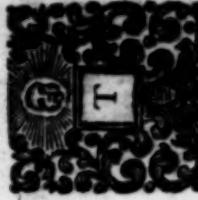


P A R T I.

C H A P. I.

HERE is nothing more evident, than that human Nature, from its earliest Existence, is endowed with certain Dispositions and Inclinations, which gradually disclose themselves in Proportion as the Machine of the human Body acquires a proper Constitution. Hence it is, that the Spirit and the Idea

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Idea of the Machinist cannot be manifested, but by Degrees, as the Parts of the Machine formed by him grow perfect and fall into the Order and Connection he intended; although the spiritual Idea and the Design precede the Construction of the Work, which depends thereon, whilst the Execution and the Effect reciprocally depend on the perfect Organization of the Body.

THE Sensations I am speaking of, whether we call them innate Ideas, in the Stile of the *Platonists*, or Ideas acquired by Education, according to the Phrase of the Partisans of *Locke*, (for it is only a Dispute about Words) are not less sensible and natural in all rightly organized Men, from the Moment they become capable of reflecting on their natural Bent. All the Arguments made use of by *Locke*, in his first Book on the *Human Understanding*, are levelled only at a Phantom, which *Plato* probably never dreamed of, as it is diametrically opposite to his System of the Pre-existence of human Souls. A philosopher that built on that Foundation, and perhaps on the *Pythagorean Metempsychosis*, was not out in asserting, that the Knowledge which Souls seem to acquire in their mortal Bodies



Bodies, was nothing else but a Reminiscence of the Knowledge of former Things which they must needs have previously acquired. Mr. *Locke* ought to have proved that *Plato* maintained, that originally, and from the Moment of their beginning to exist, all human Souls were endowed with those Ideas, which we call *innate*, only with respect to the Application and reiterated Junction which the Author of Nature makes of Souls to Bodies by material Generation.

Possibly he might have argued more consequently, had he attacked the Pre-existence of Souls and the Metempsychosis, or else the Contradictions of certain Schools, where they connect the innate Ideas with the Doctrine of *Aristotle*: It was on these Heads he might have displayed the Strength of his superior Genius, which has made so brilliant a Figure in *England*, where some have imagined that his Way of Thinking and his Principles, which have a direct Tendency to Materialism, would serve to overturn and destroy all the spiritual Ideas the World has entertained in all Ages. However, Mr. *Locke* sufficiently discovered that this was not his Intention, though the Effect did not ill tally with it; and he openly,

openly, and perhaps very sincerely, protested against all the pernicious Consequences that have been arbitrarily deduced from his Principles. His admired *Essay on the human Understanding* is indisputably the weakest of all his Works; its Credit is much declined among the Learned, and seems only to be kept up by the great Reputation Mr. *Lacke* acquired by his other very judicious Works, with which he has honoured and enriched our Age.

THE Pre-existence of Souls, and the Metempychosis, are Systems that have always found Entertainment among Mankind, and will perpetually haunt us, in spite of all Endeavours to disperse them, unless a superior Authority and a celestial Light blot out the very Ideas and Remembrance of them. St. *Augustin*, though a good Christian and a good Philosopher, does not seem to have acknowledged that Authority nor that commanding Light in regard to such Questions.

He durst not take upon him to decide in these Matters; and every sober Man will always acknowledge, that such Questions are out of the Sphere of human Action; and that whether we admit or reject them, it is but beating

CHAP. I. *The Source of Laws.*

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beating the Air. Thus much is evident, that neither of them are necessary towards establishing Piety, Justice and Temperance, the only Virtues that can make us happy. Those Men who contend for nothing but Licentiousness, speed no better with the Pre-existence of Souls and their Metempsychosis, than with the System generally adopted by Schoolmen : And accordingly, of late years, they have fallen into *Pneumacy*, and with the utmost Obsturacy have intrenched themselves behind the desperate System of *Automacy* and pure *Machinism*.

M. *de la Mettrie* has given full Swing to his Imagination, in the two Books of which he is unfortunately the Author, in order totally to machinallize the human Mind, on the Traces of the famous *Des Cartes*, who quite materialized the sensitive Faculties or Souls of Beasts. His *Man a Machine* contains Absurdities and Paralogisms, which he himself would not disown ; for notwithstanding all his Prejudices, he does not want Sense nor Sincerity. His *Reflections on Seneca's happy Life*, are nothing but the Consequences of his first Book, which at *Paris* was ordered to be burnt, as well as certain Works of the same Kind that have appeared of late Years.

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FREEDOM of Thinking, and propagating the most extraordinary Opinions and Notions, in order to attack Mankind in the most sensible and honourable Parts, must needs rouse up the Faculties of all those who are not so cowardly as to suffer themselves to be reduced to a Level with Brutes, and deprived of the joyful Hope of a happy Eternity. A Man must be a Traitor, to remain an indifferent Spectator of Attempts which shake the sacred Basis of Thrones, dry up the *Source*, destroy the *Strength*, and materialize the *Spirit* of Laws; and which, if they could once prevail in the World, would suddenly unhinge and overthrow human Society.

To afford to
the English
Reader
an opportunity
of comparing
the French
and English
Systems of
Government,
in their
present
state.

C H A P. II.

THERE needs no great Efforts to demolish the System of M. *de la Mettrie*, which belongs to him by no better Right and Title than his Boldness to publish it, and by the Ornaments with which he has endeavoured to fill up its Emptiness and cover its Weakness: Its horrid Aspect, discoverable at the first View, is alone sufficient to startle the most

in-

indifferent Reader. Who can, without shuddering, conclude with that Author, that a *Nero*, a *Caligula*, a *Domitian*, a *Commodus*, are neither better nor worse than a *Titus*, a *Trajan*, a *Marcus Aurelius*; since each of them was no more than a Machine put together expressly to do what he did, without being able to do otherwise? The delightful Gardens of *Verſailles* are no more answerable for the Pleasure they give Mankind, than the Wheels and Gibbets in the *Place de Greve at Paris* for the Torments they inflict on Malefactors. The more the first Tyrants signalized themselves by their Cruelties and detestable Disoluteness, so much the more worthy they are of general Applause, as having better answered the End and Design of their Mechanism. The greater Restraint the other Emperors laid on their particular Passions, and the more they devoted themselves to the publick Good, the less Freedom of Action they allowed their Machine, and therefore deserve the Contempt and Hatred of Men wound up to the Tone of *M. de la Mettrie*. Is not this sufficient to shew how abominable his System is?

Is it not mocking Mankind, to mix with all these vile Drugs a Dose of social Virtue, in order

order to make the deadly Poison go down ? Without growing grey in Philosophy, a Man may easily conceive, that if all the particular Machines are mounted and set relatively to each other, in order to form a complete Whole, that is to say, a general Machine, of which every Individual is but a Member and a Part ; this must needs totally overthrow the whole System. Each Part ought necessarily to have a Connection with the contiguous ones, as well as an essential Relation with all the Parts, and with the universal Form, which sets every one in its Place, and puts the main Spring in Action, from whence Motion and Direction are incessantly and reciprocally communicated. And then each Machine is no longer set in Motion for itself, but for all the rest put together, which compose the total Form, and which immediately manifest a Design and a superior Law, to which the whole Machine is to correspond and obey, in order to preserve itself, and produce its Effect, by an admirable Harmony. Without this it would destroy itself ; and each Part that did not exactly correspond therewith, would disturb and stop the Motion that inclines all the Parts to perform their Function and Ministry ; and thus it would prove defective

fective in regard to Individuals and to the Whole.

THE more perfect the Invention of the Machine is, the fewer useless Parts it ought to contain, and not one useless Part without such a Necessity and such an Activity as may at the same Time render it sufficient to itself and to the Whole. But this Sufficiency is to be taken only in common, and understood of the Reaction of all the Parts, even the remotest Members; none being singly sufficient for itself, but only by the Concurrence and the Influence of the others, as we so plainly see it in the human Body and in Society.

THEREFORE we cannot sufficiently wonder, that a modern Physician, who cannot reason about the human Body on any other Principles than these, should be ignorant of them, or depart from them all on a sudden, even whilst he will acknowledge nothing else but Body in Man. Perhaps M. *de la Mettrie* was not insensible, that in acknowledging an Idea, a Design, and a general Law for the whole Machine, it would impose on all the Parts it consists of, and to each of them in particular, an Office and an indispensable Duty,

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the Neglect of which would be imputed as a Crime. It behoved him to beware of ever supposing, that any Part might sometimes act in a manner repugnant to the general Object of the whole Machine, and employ all the Force and Activity it receives therefrom, towards overturning the Order whereby it subsists, and destroying itself along with the Whole.

NEITHER could he be ignorant, that this general Law, no more than the Design and the admirable Projection of the vast Machine of the Universe, cannot be the Machine itself, which always remains such as it is: That, without falling into a Contradiction, we could not help acknowledging it to be anterior and of a Nature quite different from the corporal and machinal one, which constantly obeys: That this Law, by a necessary Superiority, has no less Influence over the whole Machine than in the Government of each of the smallest Parts it consists of. All this is fully demonstrated by every Machine in the World; and we must even renounce all mathematical and physical Principles, before we can imagine one universal Machine composed of an infinite Number, all equally free, independent

pendent and detached. But if we attribute to them any Harmony, any Connection, we must of Course allow them to be dependent, and under a general Law, which imposes a Duty on them that cannot be neglected without Guilt and inevitable Damage to themselves. In fine, could that ingenious Author be ignorant, that if the whole universal Machine is nothing else but the bare Assemblage of all the particular ones, there can be no anterior Design in it, nor any Law imposed on the Parts, to assemble and place them, and keep them in their respective Positions, and make them act in Concert?

A System so extraordinary, and so hard to be maintained, as that of M. *de la Mettrie*, sufficiently destroys itself, without our taking the Trouble to combat and overthrow it. It would be an Affront to Mankind, to suppose them capable of adopting it in any Shape. But if by Chance any one should dare to take up with it, it would only furnish us with a new Argument to demolish it: For, would not so manifest an Opposition to common Sense, and to the Testimony of the most illustrious and renowned Philosophers and Literati in all Ages and Nations, plainly demonstrate, that

that Man therefore is not a meer Machine in regard to his Understanding, as he is with respect to his Body ?



C H A P. III.

EVERY one allows the Uniformity of the Structure of the human Body, in all Individuals that are not monstrous : This is the Basis of Physic, agreeably to the sensible Testimony of Surgery and Anatomy. And accordingly, every Person of common Sense perceives the Equality of the organical Motions, Sensations and Operations of the Body, as well in the whole Mass of Mankind as in the Individuals. Herein is Mechanism visibly displayed. But, at the same Time, how shall we reconcile this Uniformity of the Body's internal and external Structure, and this sensible Mechanism, with the infinite Variety which we see in every Thing appertaining to human Reason, and which we cannot observe among the Brutes that enjoy their natural Liberty in the Fields and Woods ? All is fixed and invariable among such Beasts as are not cramp'd or confined by Men : Every thing is equal

equal and uniform in each Species; no different Tastes, no Choice, no particular Regards in their Wants and in all that Nature requires from them: They all walk, run, leap, and express themselves in the same Manner; they have always the same Food, and the same Drink; they take no Thought about guarding against Dangers, or preventing the Damage that may happen to them; no Conveniences, no Laws, no natural Dependence are seen among them. This is such a Mechanism as is not to be paralleled among Men, no, not even among the most barbarous of the human Race.

Nothing is more frequent than to see the animal Man and the spiritual Man, the vicious and the virtuous Man, so strongly characterized, that one cannot long mistake them: And, which is still more extraordinary, and absolutely incompatible with Mechanism, we often see the same Individual running from one Extreme into another, and appearing a Contrast to himself. Why does not the Machine of the human Body change its Figure, as the human Mind changes its way of Reasoning, its Inclinations, and its Form? How is it that a living Man cannot long abstain from Food without

without dying? Why is it sometimes almost impossible for him to forbear laughing, weeping, sweating, and many other natural Actions consequent of the Mechanism of the human Body? On the contrary, nothing is more frequent than to hear a Man reason amiss, to see him perpetually changing his Tastes and Inclinations, and most tenacious of those that appear the most unnatural. Is it so great a Rarity to see the same Man become reasonable and unreasonabile, learned or ignorant, pusillanimous or magnanimous, wise or foolish, modest or impudent, gentle or brutish? Could a Candle give Light in the Night, and spread Darkness in the Day-time? Or could one sail in a Windmill to the Indies?

To take Shelter under Delirium, and Madness, which some have endeavoured to account for on mechanical Principles, would be but a very silly way of cavilling about this Point. All Men agree that these are Distempers, occasioned by a real Disorder in the Organs; which does not in the least make for the Purpose of those pretended Free-thinkers, who labour under the same mad Fits when they pretend to reason as justly as if in perfect Health. Let us then agree with them, that their

their System of the *human Machine* is a real Disorder of the Mind and of the Brain, which must be treated and cured as a Delirium or Madness.

Yer the principal Article still subsists, since there is nothing more evident, than that any Disorder in the Machine very frequently interupts or destroys the Object and the Actions that are proper for it, and consequently does not then answer the immaterial Design of him who invented and constructed it. A Man that reasons wrong too plainly discovers that he is beside himself, and that if we would reason well, we must do quite the contrary: It is almost impossible but that he himself will sometimes confess it, when he finds himself borne down by the Verdict of all his Acquaintance; and hence it is that we see certain wretched Reasoners always endeavour to herd with none but their Equals, that they may never be forced to acknowledge the Disorder in their Brain.

To such Men the Bulk of human Society is an intolerable Burthen: An Assembly of Persons who reason on Principle, and form just Conclusions, is to them like a Field covered with

with Thorns and Thistles : They never can get clear of it without leaving behind some Pieces of their tattered Garments, or dissembling most of their real Sentiments, left they should set all the Company, and human Nature itself, against them. For, could there be any among such Men, who sincerely perceiving the Charms of a Virtue that is troublesome to them, would be damped by the Horrors of a Vice that flatters their Passions ? They lie most egregiously when they assert the contrary. The Authors of the *Fable of the Bees, of Manners, and of Seneca's perfect Happiness,* alone say more than enough to prove my Proposition : Nevertheless, I will not decline entering into the following brief Discussion.

THE SOURCE OF LAWS.

C H A P IV.

QUOD *tibi non vis alteri ne feceris, & quod *tibi vis alteri feceris*, is the grand Principle on which all civil Societies, all the Laws, Justice, Equity, and Jurisprudence are founded. We likewise acknowledge a supreme Authority giving us this Rule, *All Things what-**

whatsoever ye would that Men should do to you,
do ye even so to them. No Man was ever yet
bold enough to deny this general Principle:
The most detectable Writers in all Ages have
acquiesced in it, and do still allow it to be
the sole Foundation, the indissoluble Band of
Society. The famous Mr. Bayle, in his *Chimæra*,
lays down this single Principle as an undeniable
one, and as good as an Axiom, which in
Effect it is. But then he applies it in the most
extraordinary Manner that could have been
imagined, pretending to prove, that Atheists
might form a perfect Society. Herein he is
blindly followed by all the pretended Free-
thinkers, who lay the greatest Stress upon it,
in order to impugn the Necessity of Revealed
Religion, and to lessen our natural Abhorrence
of irreligious People.

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BUT what I find very difficult to conceive,
is, that *Puffendorff*, *Cumberland*, *Gravina*, and
others, who are reckoned first-rate Civilians,
should have suffered themselves to be imposed
on in this important Article, and not have en-
deavoured to clear it from the Obscurity in
which it is involved. Being eager to shake off
a certain Yoke, about which they puzzled
and

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and perplexed themselves without sufficient Cause, they laid sandy Foundations ; and hence it is that their Systems, though formed with admirable Art, and supported by good Arguments, are lame in the main, and bend like Reeds to every Wind. Thus young *Telemachus*, sometimes thought *Mentor* was troublesome to him : Nay, he even wished to be rid of his Company, though at last he was indebted to him for his happy Deliverance from the Slavery of the insidious *Calaigos*.

COULD any thing be imagined more weak and tottering than the Law of Nations, which those Gentlemen have explained, and which they give out, as grounded on the Consent of civilized Nations ? Good God ! Where and when did this Consent take Place ? What Writer has made any Mention of it in antient History ? By what Means did it obtain in subsequent Ages ? Why do they seem to include the Barbarians in it ; for even from these they deduce the most striking Examples, and the strongest and most evident Documents, in order to recommend and enforce it ? Neither has the ingenious Author of *The Spirit of Laws* dared to step out of this Carrier, though such a Law

a Law of Nations is incombinable with his pretended Dependence of the Laws on the Climate and the Nature of the Country. Yet Murder, Adultery, Theft, Fraud, Violence and Irreligion, are not the less proscribed in all Places, Climates and Countries, where there is a human Society.

All those grave Authors have been afraid to confess, that all Mankind, originally, formed but one Family, and descended from one Couple; for, say they, this is mentioned only in one single History, which lays Claim to a supreme and divine Authority. However, that History is the true and only Source, from whence, with the fullest Evidence, flows the Law of Nations, which every Man is obliged to acknowledge, and submit to it the Moment he is sensible that he lives in Society. Neither Greek nor *Barbarian* can dispense with it, nor call it in Question, without having Recourse to a Content which never existed but in Imagination. But so essential a Fact being once laid down and acknowledged, we immediately conceive that other Consequences are deducible from it, which clash with that inferior Licentiousness which the

Literati of the Age are very loth to forsake.

AND accordingly we have seen of late Years the World over-run with wretched Books and Pamphlets, which, without the least Regard for the illustrious Names of those respectable Authors, vigorously attack them on their own Principles, and with so great an Appearance of Reason, that abundance of Ideots have suffered themselves to be seduced, because they acknowledge no other Authority but the human Mind, which is ever liable to go astray. On the same Principle we see the Policy of Cabinets boldly taking the *Machiavelian* Turn, and never scrupling to violate and subvert the most formal Precepts of all those Oracles of Jurisprudence. It is said, that the Oracle at *Delphos* never gave any Answers but what were susceptible of ambiguous, and oftentimes contradictory, Senses, in order to preserve the Credit of *Apollo*. May not this be the Case at present with the *Pufendorffs*, *Cumberlands*, *Gravinas* and *Montefiquios*? At least it is evident, that in many Instances they did not reason logically, or were hindered by certain Considerations from doing

doing it, as any Man of Penetration may easily discern, if he peruses their Works with a critical Eye.

It seems impossible that the Observations in the following Chapter should not have occurred to the above-mentioned learned and judicious Authors: But as such Observations would have led them directly to the Necessity of Revelation, the Consequences of which they dreaded, they durst not dive farther into the Matter, in order to investigate the true Basis of Society, nor disperse at the same time all the Clouds and Mist that intercepted the Sight of the eternal Sun of Righteousness.

C H A P. V.

THE Axiom mentioned in the last Chapter, *Quod tibi non vis alteri ne feciris* & *quod tibi vis alteri feciris*, well deserves the following Considerations.

By this Axiom every Man is taught to deal by others as he would be dealt with; since it is by what himself wills or wills not, that he must judge of what will please or displease others,

others, in order to deal with them accordingly. Nothing is more positive; *quod tibi vis;* or else, *quod tibi non vis.* Self-Love ought to be fully satisfied with such an Axiom. However, nothing is more equitable than this Axiom; but, at the same Time, nothing is more dangerous, if left without a Tutor in the Hands of every Individual, to be used at Discretion: It must be regulated, otherwise nothing can be more pernicious to human Society.

The great Variety and even Contradiction in the Laws of the several Nations in the World, and especially of the Countries least known, which M. *de Montesquieu* speaks of, almost secure from the Objections that might be made to him about the Laws of the *Greeks* and *Romans*, and their Successors, sufficiently proves, that what pleases some must frequently be disagreeable to others; and that it would be a great Abuse of the Axiom in Society, to follow it crudely, just as it is propounded. Indeed, all that he advances on this Head is very uncertain; but supposing only half of it to be true, it would be more than is wanted to prove, that what suits some, would not be relished

CHAR. 5. *The Source of Laws.* 23
relished by others, nay, might perhaps be very shocking to them.

Let us descend to Particulars, in order to set this important Truth in a Stronger Light. Not to mention Children, who delight in Dolls and such Trifles as are nauseous to grown Men, it is evident that every Man, whilst in his Youth, would greatly wrong others of riper Years, if he treated them in the same Way that is pleasing to himself. A serious Man of Business would be excessively tired with a continual Round of Pleasures and Diversions, which he could not taste; this would destroy his Health, and, after ruining his Affairs, would make Life a Burthen to him. In like Manner this Man of Business would be much mistaken in pretending, that young Men should frame their Conduct according to his Pleasure and Directions: In vain would he urge the Axiom, *Quod tibi vis alteri feceris; I like (might he say) to live in this Manner, and that is a sufficient Warrant for me to pretend that all others should do the same.* They would laugh at him and his Axiom, and very justly too.

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Don't object to me, that this Diversity regards only the Profession or Way of Life, and has nothing to do with Manners, Virtues and Vices; for, in spite of all cavilling Distinctions, it is almost the same Thing. A Man that does not love his Wife, and longs for another Man's, would be very glad of an Exchange, though it would be a double Adultery: And that other Man, who loves his Wife, tho' perhaps insufficient for her, would abhor such a Proposal. How then shall we make those two Members of Society agree? Each of them pleads the Right derived from the Axiom in question. We have abundance of Instances of Men drove to Extremities by adverse Fortune, and blinded by Rage and Despair, who finding Life a Burthen, get rid of it according to the Mode of *England*. But if they contributed to the Death of other Men, would their Will and Pleasure be a good Plea for it? Is there any thing more common than to find Persons, who greatly delight in Detraction, and freely consent that the same Liberties be taken with themselves? Are they thereby justified? By no Means. And yet don't all such People as I have been mentioning,

ing, do to others what they like should be done to themselves?

LET us follow M. *de Montesquieu* a little farther. His easy, lively and natural Stile, like a Torrent of Milk mixed with excellent Champaign, carries me away, even when I cannot be of his Opinion. The grand Principle, says he, that acts in *Republics*, is *Virtue*; under *Monarchy*, 'tis the *Point of Honour*; and that of *Despotism* is *Force*: Nay, he thinks Virtue almost incompatible with Monarchy, and Honour not less so with Despotism. This is very ingenious, though there is little or no Solidity in it. But allowing it for a Moment to that admirable Author, the Axiom in question would greatly perplex Mankind under those three different Forms of Government. The Royalists would think themselves authorized to require the Republicans to deal with them by the Rules of Honour; and the latter would not fail to answer, that their Point of Honour is a meer Phantom, which in vain they endeavour to realize; that there is nothing solid but Virtue. Despotism would laugh at both. Where then would be the Use of the Axiom; and how would any one

one dare to maintain, that, *quod tibi vis ad-
teri feceris*, is the Foundation and the Band
of Society? Would it not rather be the re-
verse? All the Faults charged to the Account of
Self-Love, among Mankind, and which are
looked upon as the Source of all the Mis-
fortunes and Evils in the World, would they
not rather fit the Axiom above-mentioned,
were it taken quite crude, *propter verba sonant?*
Yet nothing is more true, nothing more solid
and evident than this Axiom, provided it be
regulated and justly limited, But whose Pro-
vince shall it be to make the Rules and set the
Limits?



C H A P. VI.

BY what Law should a Man be obliged to do
that to others which he would have them
do to himself? Who has imposed such a Law?
Who upholds it, and who is it that avenges
the Violation of it? I don't suppose it will be
said, that this Law was imposed by the Concur-
rence and Combination of all the Parts; for
then it would immediately be asked, By what
Hand

Hand are all the Parts impelled and disposed to concur and combine together, in that singular Manner which constitutes the Whole? Let the Disposition be made in any other Manner; and then it will not be the same Machine; the Action and the Object can no longer subsist. There is no Mathematician, nor sober Head, but will be forced to confess, that it is the Design, the Idea of the Machinist, which imposes an absolute Law on his Work, and on all the Parts of it; provided he has a due Regard to the Matter he chuses for the Construction. It would be a great Oversight to make the Wheels of a Clock of Wax or Chalk; they must be of Metal, or at least very hard Wood. In vain Men seek the perpetual Motion: It cannot subsist, for want of Materials that will not wear out and perish at last.

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ANY Man that did not go upon such a Principle, in constructing a Machine, or reasoning about it, would be sent to Bedlam; though they calmly listen to those who depart from it in speaking of the Universe and human Society. The Author of Men, when he intended to make them, could alone impose the Duty,

Duty, that every one should treat others as he would be treated himself; for this was suitable and necessary to Mankind, in order to form Society, on which their Well-being chiefly depends. 'Tis by this that the Spring communicates to all the different Parts the Motion and the necessary Restraint for the Action of the whole Machine. Each Part, in receiving the Impulse, must also communicate it, and overcome the Degree of Resistance natural to Bodies: And this is manifested by the Friction of the Parts, which thereby reciprocally wear out one another, and weaken themselves by Degrees; so that becoming quite useless, they must be replaced by others, or else melted down and cast afresh, in order to keep the Machine together.

Why then, you'll say, should there be such a Friction, whose Consequences are so destructive? Why was not something else made Choice of, not liable to that Friction? It is because there never was, nor never will be, such a Thing in Nature, as corporeal Matter without Motion or Friction; for as to spiritual Machines, they are only made in the Imagination, and by supposing Bodies to form them.

them. Motion cannot be communicated but by Contact; and this Contact is made by the Adhesion of the Superficies of the two adjoining Bodies; which not remaining quietient, but proceeding directly to Motion, some happen to be carried away or overcome by others: Wherefore, Friction wears out and consumes alike the Strong and the Weak, more or les, according to the Resistance or Velocity.

But you'll perhaps say, Why should a Body have Particles that may be taken from it by Friction? I answer, Were it not for this, nothing could ever have been made of it. Without this Divisibility, could Wheels, Bolts, Barrels, Screws, and such like Instruments, be made? Every Thing that is formed, is made only through this pretended Defect in corporeal Matter. And is it not better that a Body should wear out and consume, provided something be made of it, than to make nothing at all of it, and that it should never wear nor decay?

This ought to make us thoroughly sensible of the indispensible Necessity of doing to others what we like they should do to us, in order to communicate reciprocally the Motion and

and the Restraint requisite for the Subsistence of human Society, whatever it may in Appearance cost the Parts; since it is hereby that they receive as much as they give, and cannot otherwise have any Activity. What End would it answer, to have motionless and immutable Beings? It must be confessed, that it is better to have Pain and Pleasure successively, than to be, like Marble Blocks, never susceptible of either.

You would have the Motion communicated without Friction, and so you fall into a Contradiction: It is a wild Imagination, and a Wish equally impossible and unreasonable. A Body that should rob all the others of their Particles, without losing any of its own, is an Absurdity that deserves no Notice. Would not such a Wish be repugnant to the very Nature of Bodies? Every Thing that is a Body, must have the same Corporeity and the same Nature; for, What would that Body be which wanted it? The Extravagance of such a Chimera is evident to every Child, and cannot even escape the Penetration of an old Dotard. You need only propose to him, to be himself the weak Body that always decays, while the other

other remains ever immutable: He will pose you at once by only asking you, to what Purpose?

C H A P. VII.

MANY other Considerations might be offered, to prove that this Equality is necessary and indispensable; but as I am speaking here to none but sensible Persons, I doubt not but they readily perceive all the rest: However, I cannot forbear making a very essential Remark; and that is, that the same Particles which decay and perish, by the Contact and Friction indispensable in Bodies, might indeed be restored gradually as they are lost and vanish, if the Bodies reciprocally returned them at the same Time, that they take them from each other: In such a Case the Machine would still subsist in a perfect Totality: And this, doubtless, is what should happen in human Society, by the perfect Performance of the Duty of dealing by others as we would have them deal with us. But, to this End, Nature should be every where equally perfect; the magnetic Force

Force must be equally distributed and animated; and that there be not the least corrupt Part, whose Poison is communicable, and its Corruption contagious: No Part must fail in Point of Contact, nor redouble its Shock out of Time and Measure.

This is what can never happen but by long Experience, and the Hazard of all Sorts of Dangers, fit to instruct Individuals endowed with Discernment, and whose Fund of natural Activity is capable of a proper Recruit or Renovation. In vain may we preach to Men and convince them by the strongest Reasons; nothing but formal Experience, aided by Reflection, can teach us to like to be treated rationally, as we ought to be, and not capriciously; and then to treat others on the same Footing. But to learn every thing by Experience, is hazarding too much, as we very well perceive by the Misfortunes we bring upon ourselves whenever we attempt to shake off the Yoke of preceptive Law. 'Tis neither through Fraud nor by Chance that the World has submitted to that Yoke in all Ages, and does still very willingly submit to it: It is because Mankind easily apprehend, that in order

order to enjoy the Pleasures which human Nature is susceptible of, and to avoid the greatest Sorrows and Evils as much as possible, there must be such a Law as either prevents or corrects pernicious Experiments.

WHATEVER Talents a new Machinist may have, he will always run infinite Risques, and find it very hard to extricate himself out of a thousand Difficulties occurring in the Construction of his Machine, if he has not Recourse to the Laws of Mechanics, which are derived to him by Tradition. Though his Predecessors may have learned and propounded them only by the different Experiments they were forced to make, all those that come after them cannot do without those Laws, either to shorten the Work, or to avoid the great Number of Casualties they would otherwise be liable to. Therefore every Man of Sense must needs be very glad that Rules are proposed, and Laws imposed on him, to sift the Multitude of Desires arising in his Heart, and to help him to accomplish such Wishes as are most suitable and proportionate to his Condition.

BUT, you'll perhaps ask me, Why has not every Man that Rule and that Law within himself? And must he lay a Restraint on himself in such Wishes as his very Nature produces? Let us beware of attributing to Nature all the Wishes and Desires of Men: It would be a great Mistake to attribute to Nature such Wishes as are made by sick and frenetic People. We must carefully distinguish between what Nature calls for in Health, and the Wishes produced by Sickness. The Wishes of a Man at Liberty are very different from those of a Slave languishing in Fetters; and it would very ill become him that is blinded by any violent Passion, to plead that Nature requires to be gratified. Perhaps it would be a hard Task to discern Nature in a mortal Disease, a cruel Slavery, or a violent Passion that clouds our Intellects. If the State of sick Persons, Slaves, and Men overcome by Passion, is not well characterized and distinguished, they run a great Risque of being destroyed in endeavouring to cure or release themselves, or compose their Minds.

ALL Jurisprudence, all Morality, and all Policy, that did not set out upon this principal

pal Distinction, never produced any thing that was good ; and *Aristotle* himself, for want of it, gave all his Precepts in vain. *Plato* succeeded better ; for he acknowledged a Kind of original Fault, which has disordered the Mind of Man. But that is not all ; a great deal more was wanted, and this the Gospel only could supply. I doubt not but that the bare mention of the Gospel will make most of our pretended Free-thinkers turn up their Nose at this little Treatise, and immediately resolve to spare themselves the Trouble of perusing it. This is a deadly Prejudice, which strengthens my Thesis with a new Argument.

A MAN languishing in a Fever, and parched with Thirst, will not fail to complain of the Wrong done him if he be denied cold Water : He'll tell you, that the Bitterness of the Medicine and the Pain of Bleeding are contrary to Nature ; which is true in one Sense, for Nature in Health does not require them : 'Tis Sickness, and not Nature, that wants Physick and Bleeding : But the greatest misfortune of the Patient is his want of sufficient Discernment to know the Condition he is in, and

and the Remedies that are fit for him : If he be left to his own Reason and Discretion, he is utterly lost. Even Physicians, when sick, are not left to themselves alone to cure their own Diseases : They, as well as other Patients, must be treated by healthy Persons and skilful Physicians, who should not leave them till the Distemper is mastered ; and this is very hard to be done, especially in contagious Diseases. May not this Example explain the Abuse so often made of the Axiom in question, as we have already observed ? Now, if Mankind in general be corrupt, and subject to every Kind of Illusion and Error, how can they be depended upon for regulating Knowledge and Desires, which are so vastly diversified among Individuals ?



C H A P. VIII.

A VERY little Reflection on what happens to the human Body, by Madness and hereditary Distempers, and the ill Habits derived from these, will make us easily apprehend how Men fell into the greatest Barbarism,

barism, for want of Society, from which they might have been separated by War, Inundations, and many other Accidents. To explain the Difference in the Complexion, Colour, Inclinations, and Customs of different Nations, as we do in the Trees and Animals of different Climates, it is not necessary to have Recourse to a Comet's brushing by our Globe. Were not the most civilized Nations in our Days formerly Barbarians? and don't the Barbarians of our Time live in the Climates of Nations formerly polished and admirable Cultivators of Arts and Sciences? I don't wonder that the *Moor*s think their Women handsome, nor that the People of *Malabar* admire clumsy Legs; neither am I surprised that so many other Nations find Elegancy in their queer, whimsical Drefs: By Degrees the *Europeans* likewise accustom themselves thereto, and at last take a Liking to them. Formerly the *French* could not endure *Italian* Musick, and held all our Theatrical Entertainments in great Contempt; but by slow Degrees they have begun to relish it, as the *English*, *Germans* and *Spaniards* have likewise done, though very few of them understand *Italian*. We ourselves, who formerly thought

thought the Musick of the Orientals intolerable, have lately mixed some of it with our own, and also borrowed something from other European Nations. The Novelty of it startled us at first; but we took a Liking to it as soon as it was modelled and proposed to us by the best Masters of Musick. The same may be said of other Things.

THE Extremes of Heat and Cold in the different Zones may indeed have an Influence over Fashions, as in Dreſs, Eating, and Bedding, either to restrain or excite Sensuality: But in whatever Climate a human Society be found, it cannot ſubſtit without proſcribing Irreligion, Murder, Theft, Fraud and Violence. Human Nature being every where the ſame, arms itſelf againſt every thing that diſſolves and destroys Society. The Remedies, if you please, may be rougher or gentler among ſome than amongſt others, in Proportion to the physical Reſiſtance of Bodies and the Culture of Minds; but cultivate the one, and barbarize the other, and you'll immediately find that Equality which is looked for, not for want of ſeeing it, but because Men will not ſee it.

I HOPE

I HOPE M. *de Montesquieu* will pardon me, if I cannot follow him through all the physical Arguments whereby he endeavours to prove, that the Difference of Climates must needs have an Influence on the Laws of different Countries, and metamorphose the Minds of the People, just as the antient Poets did every Thing : Nymphs in fresh Waters, and Fawns or Satyrs in the Woods ; Tritons, Nereides or Sirens in the Sea. For my Part, I very well know, that a *Spaniard* Minister resides many Years at *Stockholm* or *Petersburgh*, and returns home as much a *Spaniard* as when he set out : Another goes from *Stockholm* or *Petersburgh* to *Madrid*, and stays there thirty Years, without losing his Northern Manners or Inclinations. On this I shall always insist. The Worship of a Deity, Chastity in Marriage, and Security in Life, Fortune and Honour, will be found even in the remotest Corners of the Earth : The grand Principle of treating our Neighbour as we would be treated by him, is discernible in all Places, however wrong it may be applied. Wheresoever there are Men, there must be Illusions and Extravagancies, which commonly grow

grow more enormous as they encrease in Number: But give them Leisure and Means to look into themselves, and many of them will be cured. Were it possible to restore Health to all the Patients in Madhouses, you would almost instantly so far reconcile their Wants and their Wishes, that they would all have one Heart and one Mind; I mean in regard to the Necessaries of Life, which are the same for all Men.

BUT how will you persuade an infinite Number of Madmen, who, notwithstanding their Frenzy, are very sensible of their Equality, and can but very seldom acquiesce in the Opinion of their Fellow-Creatures, even though it does not appear that they aim at imposing upon them? As they don't lose the Faculty of Reasoning, and as the Disorder in their Organs ever leads them astray, without their being sensible of it; so they always persuade themselves, though they cannot persuade others. Nothing is more common than to see them furiously obstinate, and never desisting, whatever it may cost them. You never would be able to make them acknowledge that Black is black: They'll tell you it is bitter, or obtuse;

but

but not a Word relative to Colours. The Point of Honour is never carried to so high a Pitch as among those poor Wretches : Rather than bear Contradiction or take the Lie, they are ready to sacrifice themselves and all Mankind. Lenity is lost upon them ; they know not how to yield to any thing but Force ; and accordingly, Hunger, Chains, and Blows are the Means to make them quiet a little while : For as to a perfect Cure, nothing less than restoring, or, as I may say, new-casting the Organs, can effect it.

C H A P I X.

DON'T take it in Dudgeon, if I propose to you a familiar Example, in order to go to the Source of the Contradictions observable in Mankind, which our modern Authors have endeavoured to increase as much as possible, I had like to say more than is possible. It is not I that am deficient in the Respect and Tenderness due to human Nature : I should be very glad to spare it, and reclaim it from all its Errors : But those Errors are so loudly extolled

tolled in our Days, that there is scarce an Echo in the World but what incessantly returns the Sound. Let us then for a Moment listen to it, but without making an ill use of it. To what Purpose is it, say some People, that all Nations, even the most barbarous, detest Irreligion, Murder, Adultery, Theft, False-witness, Fraud, and many other heinous Crimes, if one cannot find two perfectly agreed about these Articles?

THE Worship which all the World acknowledges to be due to the Deity, is generally altogether exterior ; but most Men would have it interior also : Those who would have no Worship at all, pretend it ought to be interior only. Others maintain it is by Virtue only that we honour the Gods ; and the Bulk of the People set up their Rest in Ceremonies. But this is not all. Some abhor every Object of Worship but a spiritual one : Some acknowledge none but corporeal Objects ; and others blend both together. In some Nations they detest a Plurality of Gods ; in others they worship every thing that may serve as Emblems of the Deity ; and great Numbers worship all their Life, without any clear Notions or solid

Principles. 'The eternal Rewards and Punishments, which are propounded and established in every Religion, never could work upon the wretched Sadducees, nor can they persuade the Innovators of our Age. In fine, the Author of *The Spirit of Laws*, Book xxiv. Chap. 14. has not hesitated to affirm, ' That Men who believe sure Rewards in another World, will escape the Legislator : They will despise Death too much. How can a Man be bridled by Laws, who firmly believes that the greatest Punishment the Magistrate can inflict on him, will be over in a Moment, and then his eternal Happiness begins ?' Was the Lie ever given so formally to all the Legislators of Mankind, not one excepted ? Nobody ever knew of any other Means to fix the Observance of the Laws, but eternal Rewards and Punishments. A Man must be very dull not to retort the weak Argument thus ; *How can a Man be restrained by Laws, who thinks himself sure of escaping and eluding the Punishments which the Magistrates might inflict on him ?* Men may not only easily persuade themselves of it, but the Majority would stick at nothing to succeed in it, and combine together to elude the Penalties

Penalties of their Crimes, were they not generally restrained by the Fear of everlasting Misery, and the Hope of Pardon and eternal Bliss. This is not a proper Time nor Place to say more: Be it sufficient to acknowledge here, that human Reason, left to itself, perpetually falls into the greatest Extravagancies and Contradictions in regard to this Article. Let us pass more lightly over the rest.

MURDER, though generally reprobred and punished, does nevertheless meet with Applause and Honour in War, Gladiatorship, and Duels; and in abundance of Cases has a thousand Excuses to offer, whereby it escapes the just Punishment due to it.

THEFT has its Partisans likewise, even among Legislators. War, Policy and Necessity seem to justify it on several Occasions: And it must indeed be confessed, that he who takes most, and from the greatest Number, is least punished for it; and to have Effronterie and Revolution enough to rob the whole Community, may sometimes procure him Admiration and Applause.

NOTHING

NOTHING is more difficult than to fix People's Notions of Adultery, which all the World abhors and punishes. Some Nations would acknowledge none at all, neither in Women nor Men. Others looked upon as Adulteresses only such Women as quite forsook their Husbands and Children, to live with other Men. Some maintained that all carnal Conversation of the Wife, without the Husband's Permission, was downright Adultery; whilst others fixed Times and Circumstances, when every Kind of Dissoluteness was allowed, and even looked upon as a religious Act among Idolaters. In fine, to lend one's Wife to another Man, was not contrary to the *Catonian Law*: Whilst others censured as Adultery, not only every lewd Act, but even impure Thoughts and lusting after married Women. On this Head the Husbands were very much spared, except by certain refined Moralists, who raised Scruples without End or Measure.

As to Fraud and Lies, which are generally condemned every where, if we descend to Particulars, in regard to Persons, Intentions and

and Consequences, it will appear that they are very seldom censured. Inquire of Politicians, licentious Persons, and Rigorists, and you'll see to what a Pitch the Contradictions are carried. Let us wave the rest.

AFTER these Reflections, will any one dare to say, that Mankind's Sense is very sound, and that one may expect from them any considerable Help towards deciding all these Questions, and many more in which human Nature is not less interested? I should think myself the silliest of Mortals, if after this I did still seek the *Source of Laws among Men.* I don't say but it ought to be essentially among them, even as the Source of Health is: But human Weakness and Folly have so clouded and confounded it, that we can no longer discern nor lay hold of it, in order to proffer it to the disordered Race of *Adam.* This servile Source must needs be amongst them, since all the human Species are agreed about the Crimes that ought to be proscribed: But the Avenues to it are so full of Briars and Stumbling-blocks, that it is absolutely impossible to penetrate very far, without setting Fire to them, and reducing the Whole to Ashes.

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HOWEVER, all Hope is not lost. He that gave the Law, upholds the same, and avenges the Breach of it: He is merciful enough to do the one, and has Strength sufficient for the other.

C H A P. X.

SAY not, that the Strength of human Reason is alone sufficient to clear that Road, and penetrate to the very Source of Laws, without a Guide and without Assistance: For this is contradicted by the Experience of all Ages, and by the most serious and strenuous Efforts of our Century, which has made no farther Progress therein, though guided by the most excellent Masters of the Art, such as *Cicero* and *Phædrus*. Not but that it has been long ago perceived, that there must be such a luminous and strong Source, to which it is no less useful than necessary to submit; but those who confined themselves to seeking it among Men, always lost themselves in a vast Labyrinth. They proposed nothing but the famous Axiom, to treat others as we would be

be treated by them: Which is very good in general, but equally dangerous and arbitrary with respect to Individuals, as I have observed above; unless it be limited and circumscribed by such a superior Law as Men will be afraid to violate. Now, if this superior Law be requisite to regulate it, then the Axiom is no longer the Source, but is governed by that same Law, which bounds it on every Side; otherwise, nothing would be more offensive to Society, and destructive of those good Morals on which its Happiness depends. Much less can it be said, that this superior Law flows from Society itself, since there never was in the World, nor ever can be, a general Assembly of Mankind; and in the most numerous Assemblies there is always the least Harmony; Sex, Age, Climate, Customs, and the Interests of each Individual, are too opposite. To say that it springs from the Minority, or some particular Society, who by their superior Wisdom and Strength make others acquiesce and obey, is not less absurd, as nothing dazzling and violent is permanent: And on such Occasions every Man readily puts this Question to himself, As I am of the same Nature, why should I not have the same Rights

CHAP. 10. *The Source of Laws.* 49
Rights and Prerogatives as any other Man that
wants to impose Laws on me?

Will you say; That they are imposed on the Majority, by a Prospect of Benefits and Advantages, which extorts their Consent and Submission? But who would be bold enough to assert, that each Individual found his private Happiness and Advantage in all the Laws which a Legislator, or a Society, imposed on him? If this could be the Case, those Laws would never alter, nor could they fail of being punctually obeyed; whereas the contrary happens in all Societies. But if, to get over this Difficulty, you recur to the Learning of Civilians, you then immediately lose Sight of pure and simple human Nature, and propose a Vacuum, a Name without Reality, or else something superior to Men, which manifests to them the Analogy of Things, just as the Light of the Sun, though not within us, makes visible Objects manifest. That which makes Men see, can no more appertain to them, than that which makes them reason and reflect. It is true, that the Organisation of the Senses is within us, and the Action and Effect depend thereon, if you please, as

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in the perfect Organisation of the Eye. But this is not all. The Eye will never see any thing, if Light do not act reflexively on it: 'There will be no other Difference between him who wants Eyes and another that wants Light, but that the former can never see, even though the Light strikes him, and the latter will see as soon as he opens his Eyes. A Man must be wilfully blind to deny this Truth, That, in order to reason well, we must be perfectly organized in the Brain, and in the principal Senses; but that, however perfectly organized he may be, Man will never reason, unless he be furnished with Principles adapted to the Subjects, besides a great Variety of particular Branches of Knowledge, and Strength sufficient to connect and separate them as Occasion requires. And yet all this would not avail much, if the Objects about which he argues, be not clearly and distinctly apprehended by the Understanding, much in the same Manner as Light paints Objects in the Retina of the Eye.

Let it be further observed, that what we call a learned Man, is he that has discoursed, read, and reflected most, and maturely examined

mined, what has been said by others; so that he can have no Knowledge now, but what comes by Tradition. They add, retrench, reform, propose new Systems, ever sketched by others, and put together according to the Taste, the Prejudices and Fashion of the Times; but, in the main, the Origin of all is in the Antients, and has no other Source than human Traditions. Now, in tracing them up to the Source, we must at once forsake Tradition, to make Way for an immediate Revelation, or a Series of particular Experiments, which fixed the Reflections of the first Inventors of Arts and Sciences. But how is it that Nature should invest those primitive Men with the Right or Privilege of Invention, and not continue it to their Successors? For, nothing is more evident, than that since those early Times, there are no new Arts nor Sciences in the World. I am not insensible, that many among the Moderns will boggle at granting me this Proposition; but it will pass muster with all Men that are not prejudiced in Favour of the Mariner's Compass and the Load-stone.

WHAT some Critics have advanced concerning Physic, as if it was the Fruit of an infinite Number of Experiments, made in a Series of several Ages, from which the famous *Hippocrates* deduced his Aphorisms, is very liable to Exceptions: The Proofs given of it are extremely equivocal. The Greeks of *Afia Minor* derived Physic from the *Eastern* and *Southern* Nations, as *Hippocrates* himself relates in his Works. He may very well pass for the Father of Physic among the *Grecians*, and even among the *Romans*, who adopted almost every Thing that gave any Lustre to *Greece*: But what is this, in Comparison to the Rest of the World? They may object to me, That we have no Fragments that speak favourably enough of the State of Physic among the *Chaldeans*, *Egyptians*, *Affrians*, *Medes*, *Perians*, *Indians*, *Scythians*, and *Chines*: But this Argument would prove nothing; for, was not the antient Physic of the *Europeans* also totally destroyed and buried by the Barbarians? It is happy for us that we have a few antient Books left, which escaped the Fury of the *Goths*, and *Monkish Ignorance* and Superstition.

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To the *Afatics* and *Africans* have not transmitted to us their antient medical Authors, neither have they preserved and handed down any others: And so the Argument proves nothing. On the contrary, all the remaining Traces of Antiquity very clearly indicate, that Experience was the Basis, after which Reasoning always followed, and determined the Application. It is true, they reasoned on Principles not so mechanical as those of our Times: But we should find it a very hard Task to prove, that in our Days more Diseases are cured than in former Ages, if you set aside the Specifics of Quinquina, Ipecacuanha, and Mercury, which did not triumph over their Antagonists till within these few Years past.

It would not be less difficult to persuade Men of Sense, that the Knowledge of all Vegetables and Minerals, as well as their Virtues and surprising Effects, must be originally ascribed to Experience alone. I am willing to dissemble what the *Gentiles* themselves relate of certain Virtues in Herbs revealed by the Gods, and what the *Jews* very justly aver

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concerning Solomon : But I cannot forbear laughing at all those who send us to the Toads for the Art of Midwifry, make Storks the Inventors of Glysters, and find Examples of Phlebotomy in other Animals. They must have a very mean Opinion of the human Species, to make Beasts their Preceptors, rather than allow them a divine Instructor. I shall beware of adopting such Sentiments, not only for the Honour of Mankind, but because one ought to be convinced of their Fallacy. Supposing Men had learned something from Animals, it could happen no otherwise than by reasoning on what they saw them do ; and this is precisely what some People deny to ancient Physic.

C H A P. XI.

THIS little Digression is not foreign to our Work. There is a particular Anatomy between Physic and Law : Both imply a Weakness or Infirmitiy in Men, and at the same Time a Fund of Health, capable of recovering their pristine State. Were there no Disease and no Injustice among us, there would be

be no Physic nor Law. Of what Use is Physic to a Man who is always in perfect Health, and cannot be otherwise? And what does the Law signify to the Righteous, who cannot fall into Iniquity? For the Law not only always supposes a Crime, but teaches and occasions it by forbidding it, according to the old Proverb, *Nititur in vetitum*. Nevertheless, we must beware of the Equivoque we are exposed to in speaking of the Law, which bears a double Sense with Men.

THE Idea which the Vulgar have of the Laws, is properly but as of a Will and supreme Power, declared either by an audible Voice, or written, to regulate the Actions of Men, their Rights and Dependencies: But this same Vulgar immediately raise their Thoughts to something above the Laws, when they inquire, whether they are just or unjust. This shews very plainly, that Justice is generally acknowledged as the supreme Law, and the Source of Laws: Though, in their Turn, the Laws derived from it sometimes make Things just, or lawful, which, under different Circumstances, were not so before. For Instance; it is just that every good Citizen,

zen, during a Siege, should labour in Defence of the Town: But if such a Citizen be sick, or too old to work or fight, he is then excused from the Duty. This leads you on again to a Law superior to Justice itself, which is Equity; that is to say, such Justice as is proportionate to the particular Faculties and Conveniency of the Members that compose the Whole. Thus by Degrees we ascend to a certain general Law, which I shall endeavour to canvas, and may possibly demonstrate it to be the sole and true Source of Laws.

THE Law is also generally taken, among the Learned, for that natural Necessity which includes the Being and the Well-being of all Things that cannot exist nor subsist in a sufficient and perfect State, without possessing neither more nor less than what their proper Nature requires: Therefore it takes in all that it wants, without leaving any Vacuum to be filled up; for the Surplus would only serve to clog, embarrass, and disfigure it. For this Reason the Law of the Sight is called, the perfect Organization of the Eye, the Proprietary and just Distribution of Light on the Objects, from whence it reflects on the Retina,

by

by Means of the constant Purity of the transparent and diaphanous Fluids. An Excess or Deficiency in all this, is the Fault which Nature excludes from the Sight, though without previously declaring it, without giving any Idea of it, nor any Propensity to give Way to it, which is the Case in positive Laws. On the same Principle also, the Law of a right Line is called its proper Nature, which subsists perfectly of itself, independently of all curve Lines imaginable. The Law of the circular Line, as curved as it is, is not less original in its Nature, without any Relation with, or dependence on, the right Line. All Physico-Mathematicians must allow, that the perfect Nature of every physical Substance and every mathematical Figure, is its own invariable Law, too frequently unknown, and too often supposed, by the Learned. There can be no Reasoning, without either knowing it, or taking it upon Trust; nor any coherent, intelligible Discourse, without agreeing about this Knowledge.

THIS Law is therefore nothing but Nature, such as its first Author was pleased to imagine it within himself, and outwardly exhibit

hibit it in his Creatures, which we call Spirits and Bodies, of which this vast Universe is formed and animated. It is not yet Time for me to dwell on the Design of the supreme Author, and the interior Idea he formed of the Universe: I only observe here, that Nature, such as it came out of his Almighty Hand, in a State of Integrity, must have manifested the Source we are seeking, and that primordial Law from which all others might afterwards flow. But alas! this primitive Integrity quickly vanished: And indeed, one Instant is sufficient to damage or destroy the most perfect Sight, as soon as the least Impurity gets into the crystalline Humour of the Eye. Nothing more is perhaps required, to alter the Reflexion of Light, and the Form in which it brings Objects to the Retina; so that some shall be turned upside down, others appear double, and some but very faintly, whilst others can no longer reach it at all, as the Disorder increases a-pace, and total Blindness must be the certain Consequence. The more delicate the Workmanship of the Machine, the more liable it is to be put out of Order, and so much the more fatal must the least Disorder be: It is a necessary Consequence of the

the Delicacy of the Parts ; and this Delicacy is indispensable in Machines of exquisite Workmanship, whose Action is to be extremely swift and light ; for there is always the less Resistance to be overcome, where the Parts are thin and flexible.

Now, after the Machine has suffered any important Disorder, it is in vain to apply to it, in order to learn the Law whereby it exists and ought to act. This is what has happened to human Nature, whose Report is no longer to be depended on : And accordingly we see, that all who trust to the Appearances it presents, incessantly go astray, fall into Contradictions, and commit the grossest Faults and most unpardonable Blunders, for want of having first explored the Ground, and inquired into Nature's present State of Integrity or Corruption. Of this we have but too much Information, as well within ourselves, as in all the Objects about us. We need but fix our Eyes a Moment on a Lunatic, and on a dead Carcase, and then put the Question to ourselves, Whether this is suitable to, and reconcileable with, what we have observed in every Man of common Sense, and in all the

Beauties

Beauties and Graces of the Fair Sex? Those Extremes, which are so glaring in Nature, must needs produce all those Laws, so repugnant to right Reason, which our modern Authors have collected with uncommon Industry, in order to disgrace human Nature, and debase it even below the Brute Creation: And hence it is that the Civilians of our Days are always at Variance among themselves, and must continue so, unless they come to an Agreement to introduce *Pyrrhonism*, and the dismal End to which it infallibly leads. What an admirable Machine is this, whose Action is continual Contradiction, and at last destroys itself! And yet, is not this Nature herself, such as she presents herself to our View?

C H A P. XII.

THIS Nature, notwithstanding her Hoarseness, has not yet quite lost her Voice; but it is too weak and broken to reach Ears distracted by the Noise and Nonsense of the World and of the modern Schools: A *Cum-berland,*

*berland, a Gravina, a Hyacinthe, a Montef-
quias, and many others, cannot give due At-
tention to it. Nature, I say, still speaks, and
so distinctly, that we cannot mistake her
Meaning : For instance, in the two Sexes, in
all Ages, in all Climates, and in all Circum-
stances in which Men may be found, some-
thing fixed and invariable is always discernible,
which is the same at all Times, in all Places,
and in every Individual. 'Tis here that, with-
out minding such Things as are subject to
Change and Variation among Men, we can-
not mistake human Nature : Don't all the
Differences in Languages, Customs and Laws,
prove that Nature speaks ; that it has a Know-
ledge of, and consents to, Honesty and Justice ?
Don't we proceed in the same Manner, when
we inquire into the Laws of Sight and of all
the other Senses ? We attend only to what is
common and invariable in all Eyes, without
minding all the Variations, Particularities and
Differences observable among them, or distin-
guishing every individual Eye according to the
Age, Climate, Season, and other Circum-
stances. This is of use to prove, that the
Eye is liable to be hurt by a thousand Casual-
ties, and is not in a State of invariable Per-
fection ;*

fection; so that abundance of Precautions must be taken, to guard against every thing that may do it an Injury, and to seize whatever may restore it to its pristine Condition, as often as it is out of Order.

THERE needs not much Study and Learning to be convinced of this palpable Truth. After what I have observed in the ninth Chapter, on the different Sentiments of Men concerning the principal Articles of Justice and Manners, I must gradually return to it, and make the following Considerations thereon.

I. A MAN overwhelm'd with Pain, and labouring under extreme Terrors, a Burthen to himself and to others, being weary of groaning and fearing, and having no Prospect of Ease and Help, wishes for Death: Be it granted. Perhaps he even wishes for his total Annihilation, of which he has no other Idea, than that it is a State of perfect Insensibility. But, on the contrary, a Man in good Health, in the Flower of his Age, in the full Enjoyment of every Pleasure he can wish for, always at Ease, and without the least room to apprehend any fatal Turn of Fortune; could such

such a Man, I say, forbear wishing to live for ever here? In like manner, a Man who is satisfied with his own Conduct, who has few or no Faults to reproach himself with, but finds his Actions good, just and laudable, heartily wishes that there be a God, to the End that he may be beloved and eternally rewarded by him; and that there be a Society to approve and admire him, and pay him the Honours which he thinks he has deserved.

On the other hand, a villainous Miser, whose Conscience torments him like an implacable Executioner, expecting nothing but Infamy and the most cruel Death, I readily apprehend, that he wishes there were neither God, Society, nor Prince. But endeavour gradually to relieve the unhappy Man, correct the Villain tenderly; restore the former to the Enjoyment of Health and Pleasures, bring the other into the Paths of Justice, and induce him to repair all the Mischief he has done, without hesitating about a general Pardon; and then a Change in the Wishes of both will necessarily follow: The same will also happen to the happy Man and the righteous Man, the Moment they fall into the opposite Extremes.

PART I.

On which of these two opposite Extremes will you chuse to dwell, in order to come at the Knowledge of human Nature ? If you inquire of Mankind in general, the Question has been resolved ever since the Beginning of the World. To say that human Nature may be known under the Weakness and Infirmities which disguise it, is the Height of Folly and Madness. To acquire a true Knowledge of Man, his Qualities, Faculties, Rights, and Agency; we must take a View of him in good Health, in Honour and Reputation, and in a proper Disposition of Body and Mind, void of Trouble, free from Turbulent Passions, and without that Blindness which is the Consequence of them. There is perhaps no Man in the World but may be sometimes, and in some respects, in this happy Situation : At least, very few could be produced as Instances to prove the contrary. Such are the Traces of primitive Nature; but alas ! these Traces are easily confounded, and sometimes quite effaced, much in the same Manner as Sight is lost in living Men.

II. A MAN in his full Vigour, in the Heat of Youth, while he gives full Swing to all his

his Passions and indulges every Caprice, thinks himself cramp't by Religion, and endeavours to shake off its Yoke, by renouncing it entirely: But whether before abandoning himself to this Licentiousness, and leaping over the Barrier without Remorse; or after having dissipated his Strength, evaporated his Fire, and thereby cooled his Passions; why should he have the same Aversion to Religion, and think the Worship of a supreme Being troublesome? Perhaps because he might despair of Pardon for his past Sins. But, whatever M. de Montesquieu may please to say or think, is there any Religion in the World that does not expressly teach, that the Deity is appeased by Sacrifices and Prayers, by good Works, sincere Conversion, and redeeming the lost Time? Thus all Men, excepting a few Wretches who have very remarkable Periods or Intervals, wherein they confess that Religion is not only good in itself, but also the most comfortable Azylum for all Mortals.

III. I allow that a Man boiling with Rage, and possessed with a vindictive Spirit, will not spare the Life of his Enemy, nor be at all sensible, that as he does not like to be killed himself,

himself, he ought not to kill his Fellow-Creature : But is such a Man always in that Way of thinking ? When calm and composed, if he unfortunately offends another, he readily acknowledges that the Axiom is just and necessary in Society. There is perhaps no Man in the World but what acknowledges it, in the Case of Injuries, Frauds, Thiefs, and Depredations committed against himself, or on Persons whom he loves or respects. Traytors, Robbers, and the greatest Villains, as abominable as they are, as soon as they form any Society constantly acknowledge it. And will you now venture to ask, whether human Nature is decisive in those Points ?

IV. I confess, that a Man who finds his Wife troublesome to him, and passionately loves his Neighbour's, sincerely consents to the Exchange I have mentioned in a former Chapter, and wishes for nothing but complete Dissoluteness. But let the Exchange be made, and allow him the Woman he adores, do you expect to find him still in the same Humour ? Would he immediately after consent to the same Truck with another Husband that might be in the same Case he was in before ? Would he

he approve of a general Licentiousness that should drive his dear Charmer to Despair two or three Days after he had got Possession of her? What then is become of this first Man? He is no longer the same. On which of the two will you rely, for the Voice of Nature?

I FARTHER agree, that a handsome, lusty young Man will admit of no Restraints in sensual Gratifications: But he must gradually exhaust his Strength, and faint at last in the Carrer. And then can he help being sensible that he has sacrificed abundance of Pleasures and good Things to the Enjoyment of one only, which never can be worth the Rest collectively? Does he think then as he did while he was indulging his lewd Appetite? If he does not, you cannot be much puzzled to discern the Time and Circumstances in which you are to depend on what he says.



C H A P. XIII.

A MAN must have bid adieu to common Sense to assert, that it is agreeable to the Constitution of human Nature to be sometimes in Health, and sometimes sick; one while wise, another Time foolish; sometimes joyful, and sometimes mourning; and that all this suits and becomes him in proper Time and Place. This is the utmost Stretch of Error and Perversion, which some modern Authors have disguised by ingenious Works wrote in a Stile equally seducing and impious. Would any Man living consent to be sometimes in Pain, or to play the Fool, or be sorrowful, unless with a View to avoid a greater Evil? Such a Paradox deserves no farther Answer: For if no Man, at any Time, or in any Climate whatsoever, would consent to Pain, Folly, or Grief, it follows that human Nature is always averse thereto, and never willingly gives Place to any of those Evils.

It is then manifest, that through all the Contradictions which I have already taken Notice of, we may discern in Nature a solid, uniform and invariable Character, which sufficiently indicates what it calls for, and what it wants, and by the Help of which we may go up to the Source of its Rights and its Laws. But on whom shall we depend, to investigate it nicely, to dispel the Mist that cover it, and follow it by the Track it presents to us? To every one that undertakes this Research, the Impediments of Sex, Age, and Prejudices will occur, and the latter never can be quite shaken off: And hence it is, that Men of the greatest Penetration, Authors of the most extensive Knowledge, favoured by Princes, or honour'd by the State, such as *Puffendorff*, *Grotius*, *Barbeyrac*, and many other Writers no less celebrated, have been subject, like *Homer* himself, to nod sometimes, and bewilder themselves, racking their Wits to false Appearances in Articles of the greatest Importance.

EVERY Man has not Fortitude enough to enter the Lists at Home against Error and Vice.

Vice. Such Fortitude is so rare, that it would be very difficult to find any that have sincerely set about resisting their principal Bent or predominant Passion: They are resolute enough in all the other Articles; they accuse themselves, make a vigorous Opposition, and sometimes come off Conquerors in several Points; but always make themselves Amends by the Article that concerns them most: Reason, which triumphs in all other Matters, is constantly a Slave here. Every thing serves to give a Colouring and a Gloss to that which we take most Delight in: We excuse, nay, we justify it; and as the most effectual Way to do it, is to establish an invincible Necessity, a natural Bent, and a general Example, as well as certain Consequences which appear favourable when compared with the other Effects that ruin and dishonour Mankind, it happens that the most learned always impose upon themselves first, and then deceive other Men.

A SUPERIOR Genius, of an amorous Complexion and strong Constitution, may bravely dive into Nature, in order to set Justice in a fair Point of View in the midst of all the Misery

cery brought upon Men by Anger, Avarice, Deceit, and many other Passions and Vices : But the Moment he touches on the Passion of Love, we no longer see the same Elegance and Fire, nor the same Strength of Argument ; on the contrary, he becomes weak, sneaking and pitiful. Now, as this Subject pleases most Men, all that give him a Hearing take but little Pains to weigh and sift his Discourse : They easily excuse themselves from the Trouble of examining, on account of the Credit which the Author has justly acquired in all other Articles, which don't much concern his particular Case or Bent, Thus, disguised Error persists ; and the general Consent, which they suppose it to have acquired, establishes and insensibly confirms it, giving it even the Weight of Authority, which passes for a Law ; so that from thence forth none will dare to meddle with it. The same is done to almost all other Vices by their favorite Authors : And I doubt not but that if there were any *Algernine* or *Tunisian* Civilians, they would find Arguments to prove that there is some Honesty and Justice in Piracy and Depredation.

It is also very hard to guard against an Equivoque and a Paralogism very frequent among Men. There is an Evil which is always preferred to a greater. There is an Evil, which Men commit, for want of being able to do the Good that ought to take Place of it. Society is more injured by one Crime than by another. And every Man has not Strength and Means to do all the Good that becomes him. One Man kills another in Defence of his own Life, because he wants Coolness, Discernment and Dexterity to save both. Some take up with Courtezans, to avoid greater Infamy. Officers of Justice, Executioners, Axes, Wheels and Gibbets, are only good to prevent and stem the abominable Torrent of Vices and Cruelties, with which corrupt Men would otherwise deluge the Earth. Hence a fatal Prejudice is formed; the World taking that for a real Good, which is only a lesser Evil that prevents a greater, for want of Means to supply its Place by such a Good as is precisely wanted. Even among the Literati there are but few that don't mistake this Matter, not to reckon such Authors as are devoted to a Country, to the Government, or the private Interest

Interest of Princes, and sometimes engaged to maintain Positions and Assertions advanced in their former Works. How should such Men as these attack and overthrow Prejudices, which perhaps they don't perceive, or which fly away and vanish as soon as they are pointed out to them?

C H A P. XIV.

AFTER this short Sketch I know not whether they will still venture to assert, that we may rely on any particular Man, even the most learned in the World, for a certain Knowledge and solid Decision of what is just and honest. Thus, though the Ground of Nature is to be found, we may always be uncertain of finding a good Guide to it; and every Man that would trust none but himself in this important Research, must be the proudest and most rash Creature living. Is not every one subject to Prejudices, and to all the Inferences consequent thereon? What Inference, then, must we draw from all this evident Light and Knowledge? The Inference is, that the

the Author of human Nature would not forsake Man in the deplorable Confusion and Blindness into which he had plunged himself, but would enlighten him, and lead him by the Hand in the important Search after Good and Evil, Justice, and sovereign Equity. Those Civilians who have deviated least from divine Revelation, have succeeded in this Inquiry better than the others, such as the illustrious *Grotius* and the learned *Barbevrac*, notwithstanding certain Prejudices, which they durst not entirely shake off, either for want of Courage or Attention. On the contrary, the most material and most dangerous Errors have been the Portion of all Authors that have forsaken or concealed Revelation, in order to substitute thereto, without being sensible of it, human Traditions.

For Instance, has M. *de Montesquieu* done any thing more in his elaborate Work, than giving a Loose to his Genius, and displaying his singular Talents, in order to reason on a Heap of Laws, Customs, and Texts, artfully chosen to suit his System? A System which he durst not plainly disclose, lest he should shock his Countrymen and the Majority of Mankind,

Mankind, without gaining even the Good-Will of Republicans. It is a large Stride already, to have given the Preference to all the Relators of Customs in the remotest Parts of the East, who are so liable to Exception, and to have collected the Fragments of the Laws of the *Greeks* and *Romans*, and most other idolatrous Nations, all the Interpretations of which, and the Consequences he has drawn from them, he himself would not warrant. He talks of *Genoa*, and of *Venice*, where I was born, and where he himself did formerly reside some Time; and yet I doubt not, in case of reprinting his Work, but that he will amend most of the Passages concerning this Republick, if he is a Lover of Truth. What Stress then is to be laid on the rest, which is grounded on little else but Suppositions? If this great Genius had gone upon a more solid Foundation, and divested himself of the Prejudices cultivated in his florid *Perisan Letter*, what a valuable Work might we not have had from his Hand! *Facile est quod non impossibile.* *Qui
vult in sapientia regnare, non potest nisi
sapientiam habet.* But this we shall ever expect in vain, so long as Men will not respectfully inquire of divine Revelation, which ought to be considered as

as a sacred Basis. We must soar above the cloudy Atmosphere of impure Corporeity, and perhaps even above a *Proteus*, which we never hold fast, by reason of his continually changing Shapes in our Hands: You think to grasp solid Marble, and 'tis only a Piece of Ice, which instantly melts in your Hand, or a Fire-brand that burns your Fingers. We must either absolutely deny that there is, in respect to us, any such thing as the *Source*, the *Strength*, and the *true Spirit* of *Laws*, or else that it is to be found in *Revelation only*.

You will perhaps say, with the pretended Free-thinkers, that *Revelation* is not so authentic as it ought to be, to make us follow it as religiously as is requisite for our profiting by it. But have you carefully inquired into its Authenticity, without obstinately and wantonly setting yourself to combat it, and wrapping yourself up in thick Darknes, that you might not be able to discern it? It is happy for the World, that every honest Man, who has set out on this Inquiry with an upright and sincere Heart, has returned with Satisfaction and Comfort sufficient for his whole Life; and the Proofs he has publickly given of it, always

I always subsist with unshakeable Stability. I have perused what has been printed on both Sides of the Question, and very much doubt whether any Additions can be made to what some Men have dared to vent within this Century, in order to invalidate Revelation: Yet one single Blast is capable of totally subverting the whole Machine of Impiety. We should justly deserve a Lodging in *Bedlam*, if we rejected human Tradition in general; and yet we must either totally reject it, or acknowledge Revelation itself on that very Evidence.

NEVERTHELESS, there are Men of Figure and Reputation in the World, who swallow those Camels as easily as they would Flies. Are there not modern Authors, that have bent all their Studies and made the utmost Efforts to persuade us, that Vices and Crimes are not less useful and proper in human Society than Virtues, and that to seclude from it such Villains and Wretches as are intitled to the Gal lows, is sufficient; as if they dreaded for themselves the most ignominious and cruel Punishments? Indeed the Guilty do not forfeit all Claims to Compassion: But don't the Innocent that suffer by them, and the Society which

which they destroy, deserve more Compassion? Is it not Mercy to wretched Criminals, to deliver them as soon as possible from the stinging Remorse of their Consciences, and the dismal Situation of a Prison, a Galley, and Tortures? But if you suppose a Criminal once capable of getting the better of all Remorse of Conscience, would he not then immediately become a Monster unworthy to live?

Yet thus far have some modern Civilians proceeded; but, notwithstanding the most refined Dissimulation and most artful Sophistry, have been employed; they could not quite conceal their dangerous Sentiments on the most important Articles of Law and Justice: We cannot follow their Principles, without perceiving all the Foundations thereof to be fapped and undermined. If they themselves do not clearly deduce the Consequences, 'tis because they would not shock and discourage their Readers at first Sight: They only wait to gain Ground upon them insensibly, and in this Drift they act consequentially. *Si quid tibi vis alteri feceris;* they know very well what they want themselves, i.e. no Constraint and seem to offer none to others. Thus do they

they abuse the famous Axiom, and thus will all the World abuse it, unless another Principle regulate and limit it, by previously prescribing what each Individual ought to will and do.

THE SOURCE OF LAWS.

C H A P . XV.

IT may be objected to me, that Revelation is not less obscure and liable to Contradictions, than Nature itself and Humanity. They cavil about Mysteries, Variations, Hebraisms, Translations and Interpreters: They pretend that in the sacred Writings one finds always both Sides of the Question; and in short, that the most religious Observance of the Scripture does not make us better Men nor better Subjects. On this Head Mr. Bayle has been guilty of excessive Rashness, in speaking of David and other illustrious Champions of revealed Truth. This fiery Critick has set up a Model of his own making, for the Test of all honest People and the most pious Persons in the World; but it is not surprizing that they do not come up to his Model. Mr. Bayle's honest Man is one whose Imagination is always fullied

they

sullied by the most filthy Objects, and who has least Charity for his Neighbour. He claims without Reason against his Enemies, since he himself teaches them to suspect every body of Insincerity : And as Religion, most certainly, is not his strong Side, he cannot persuade himself that others may be more religious than himself. His sole religious Object is Liberty to say and do any thing, without Reproach and without Chastizement ; for he grants not the same Privilege to his Adversaries, and 'tis not for nothing that he disputes it with them. On that Model it would be very difficult to make *David's Eulogy*, or that of any other honest Man. But Mr. Bayle is not the only Writer that limps on this Side.

HOWEVER, an honest, learned Man, who goes directly to the Source of Laws, who examines the Strength of them, and dives into their true Spirit, will confess that nothing hinders him from discovering it in the Revelation that has been given us. Nothing is more evident to him, than that this same Spirit of Laws, though singular and constantly uniform, must produce considerable Changes in particular Laws, which in process of Time appear contradictory

traditory to themselves, as the Circumstances of Societies cannot fail of altering likewise. The Regimen that suits a Person in perfect Health will not agree with him in Sickness; and the Medicine that cures him in one Di-
stemper, would kill him in another. A Pa-
tient at *Batavia* cannot be treated in the same
Way as at *Stockholm*. Men live on Moun-
tains in a Way that does not agree with the
Inhabitants of Vallies and Sea Coasts. A sorry
Hack wants the Whip and Spur much more
than a free, mettlesome Horse.

A SPIRIT that loves and cherishes Men, whereforever situated, and in whatever Con-
dition they be, cannot dispense with himself from adapting his Laws to their natural Wants and Conveniences, in order to make them happy in all Places. But notwithstanding all those apparent Differences, we necessarily dis-
cover an Uniformity and an invincible Con-
stancy in the main Characteristic, calculated for the Happiness of human Nature, and e-
qually distributed among all the Individuals, which Happiness is to be acquired only by
Wisdom and Virtue. It is in vain to substi-
tute thereto the *Pyrhonian* or systematical
Doctrine

Doctrine, and the Grimace of Fanaticism, whatever it may be: This is Not the Virtue and Vice from whence flows the Felicity of Man, the sole Object of the Spirit of Laws.

A supreme Being; a Father of Mankind; a physical Disorder communicated by Generation to all the Descendants from the first Couple; the Identity of the same Nature, and of the same Family in all Men without Exception; the immediate Disposition of an absolute Providence, which cannot be resisted, yet delights in Mercy, and is willing to grant the sincere and reasonable Wishes and Petitions of his Creatures; a Physician, a Propriator, that is to say, an omnipotent Mediator, who unites the Godhead with Human Nature, in order to bring them as near as possible to each other, furnishing the necessary Means to effect in due Time the intended Repridation: These are Articles in which there is neither Obscurity nor natural Contradiction. No *pro* and *con* is to be found in them; no Hebraisms, no various Readings, and no jarring Translators and Interpreters. Nothing more is wanted, in order to ascend to the Source of Laws, without stumbling, and without Danger of going

going astray! It is there you will find the immovable and sacred Basis of the true Right of sovereign Princes, who would soon be shaken; if they depended only on popular Force, the Chimerical Point of Honour of the Nobility, or the Republican Virtue. From this divine Source that supreme Law must flow, which regulates the Axiom, *Quod nih
vis alteri securis*; without which it would be rank Poison to Human Nature in its present corrupt State. Apply this Maxim to a sick Man, and you will immediately see the fatal Consequences resulting from it. It is just I should treat others as I would be treated, provided the Treatment I require of them be just and convenient. Ignorance, Weakness, and Passion being the Portion of human Nature, every Individual is not at Liberty to decide this Matter. None but the Deity can pierce through and dissipate the dark Clouds and Mists; therefore it belongs to him alone to give a final Judgment without Appeal, and pour out the balsamic Draughts that cheer and nourish the tender Fruits of his Love.

I AM not insensible that a great Number of first-rate Scholars will be offended at my proposing

Opposing Revelation as the only Source of Laws, I could have been very glad to have spared them this little Mortification; But as they never have produced any thing solid against it, and as Liberty to contradict them has always been allowed, I could not avoid recurring to this, and running the Risque of disgusting them, rather than conceal the Truth, which I am firmly persuaded of, I only follow the best Lights of excellent Authors, whom I have made Use of, and shall continue to do so as long as I live: And moreover, it is those Cavillers themselves that have shewn me this only Road, as they have but too plainly evinced, that all other Roads were barred by insurmountable Obstacles. In vain have they endeavoured to dissemble and conceal those Obstacles: They strike us the Moment we offer to push on to the End; and even those who in the Wantonness of their Hearts wilfully shut their Eyes, that they may not be forced to acknowledge them, must needs have returned with a disordered Brain.

THE Objections abovementioned do not stop me, as I have room to think them perfectly confuted, by all that I have collected

CHAR. 15. *The Share of Laws.*

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In my former *Nathan Works*, from what the best Authors have published on this important Article. I confess I have given the Preference to those who best demonstrated their great Learning, by a good Life and important Services done to Mankind. Alas! we are naturally so corrupt, that there is no Need of Interpreters of Laws to help to sink us lower by their Doctrines and Examples. Let us, as much as in our Power lies, preserve a reasonable Restraint, and bridle the inmost Sentiments of our Souls; for without this, Society, Princes, and Manners, rest only on pure Grimace, which ought to be abhorred as destructive of Mankind.

I now proceed to the *Strength of Laws.*

Men are born free, and remain so, till they are made slaves by themselves, or others. Good men are hard to be overcome, and evil men are very easily led. Virtue is a shield against all harm, vice is a sword that cuts down its friends.

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THE JOURNAL OF CLIMATE

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Pluralist Dogma and Executive Federalism

the following table, which shows the results of collecting species of *Yucca* in the state of Sonora:

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THE MUSICAL JOURNAL

S T R E N G T H L I L W



A. N. H.

C H A P. I.

IN order to know what is the Strength of Laws, or, in other Words, what induces Men to seek, love, and fulfil them; or what forces them to submit thereto, and brings them back to this Duty, when they dare to resist it; we must always bear in Mind what the Law is, ac-



according to the Idea I have given of it in the former Part of this Work, which I briefly sum up here.

THREE is a natural Law, necessarily intended not only for the Being, but also the Well-being of every Creature; so that without this Law it could not subsist, nor attain to its due Perfection. It is this Law, common throughout Nature, which places all Beings in their proper Situation in the Whole, that they may mutually actuate and give each other such Succours as are indispensabla to the End that none may want any thing, nor others have more than is necessary: So that all Things be distributed in a due and regular Proportion, and constantly subsist, or be capable of Reprisitation, in case the Weakness or Defect of the Matter does not exactly answer the Intention of the Supreme Creator.

THE sovereign Intelligence that produced all Things, and acts incessantly in Nature, to conserve, correct, and reprivate or renew it, is therefore the sole Source of this universal Law, by the Design he formed, and the Object he proposed, in producing it. Under less

less we dive into that first Design; and get a clear View of that grand Object which is prior to the Creation, all the Inferences we might thence draw, from what now appears to our Senses, would be very liable to Exceptions. I ask any sober Man, whether he can presume to penetrate so far, unless this same Supreme Intelligence helps him in the Search by an immediate Revelation? If he cannot, what avail all our Efforts to ascertain the true Source, Strength, and Spirit of Laws, that is to say, their Intention? And indeed it is evident, by M. de Montesquieu's pompous Work, that the dazzling Title of *Spirit of Laws* can bear no fixed Meaning. After going through with it, and picking out of it a thousand good Things, with some judicious Reflections, you are just as wise as them that never heard of it, or lived in any Age before this celebrated Author.

THERE is likewise a Law peculiar to Man-kind, which does not bind Beasts, Insects, Birds and Fishes. This is a Family and a Social Law, from which, whatever is not of the human Species is manifestly excluded, as not being susceptible thereof, and would be neither

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ther more nor less subsisting and perfect by
not submitting to it. Do not lay any Stress
upon the Beavers, the Bees, or the incompar-
able M. de Saumur, the Nests of Birds, the
Holes and Dens of Beasts, the poetical Fide-
lity of Turtle-doves, the Amours of Nightin-
gales, the Folds and Coverings of Caterpillars
and abundance of other Mechanisms disco-
vered by the most faithful and accurate Natu-
ralists: For all this no more implies any Af-
finity with Humanity, than the Metamor-
phosis of Worms into Butterflies.

CONFUCIUS, paternal, filial, fraternal Senis-
tments, both in Lords and Vassals, Masters and
Servants, have nothing in them that is com-
mon to Beasts: In like Manner, the Conve-
niences of Life, the Advantages of Society,
the necessary Precautions against the Injuries
of Weather, Water, Fire, Insects, Beasts, and
even of Men, were never understood, nor
ever seen, but among Mankind, nor can they
suit any other Creatures: Among Animals
there are no Arts and Sciences: For if the
Arts attributed to them were in any Measure
real, they would no Way resemble ours, but
would appear incomparably more perfect, just

CHAP. I. *The Strength of Laws.* 21
as the Action of our Machines. Setting aside Mathematicks, Policy and Morality, Mechanicks alone decides the Question in Favour of Men. II. 1 A 11

AND indeed this Law peculiar to Humanity, necessarily flows from the general and universal Law of Nature, and is but a Consequence of it; Men being also truly a Part, and even the principal Part of it, as may be easily demonstrated; unless we deny them all Manner of Understanding, or else distribute it equally to all the Beings in Nature; which cannot be maintained nor proved. Thus it is, that in the human Body there is a general Law, which governs the Whole; and from this Law a particular one is derived, for the Government of the Head, which does not suit all the other Members that depend on it. The Law of the Eye has scarce any thing in common with the Law of the Hearing, Smelling, and Tasting. Just so it is in universal Nature.

CHAP.

The Strength of Love. PART II.

C H A P. II.

THOUGH Generation be common to all Kinds of Animals, the Sentiment abovementioned, of Husbands and Wives, Fathers, Children, and Relations, and other Sentiments derived from them, do not at all appear in Beasts. If there be any Traces of them, they are very rare and transient; and perhaps they are construed so only by reason of the Affinity they have with the Effects which those Sentiments produce in us. It would be a great Mistake to imagine from the Exterior of a little Machine, representing a Coach and Horses on a full Trot, that it was really drawn by little Animals. "Tis a moving Image that deceives us, its internal Spring leading our Senses into a manifest Equivoque: And whoever should argue from the Motion of this Machine, to prove the Animality of the Horses, would justly be laughed at.

THE Male among the Beasts does indeed couple with the Female, and makes her conceive,

ceive, but without any View to Posterity, or to better their Condition, and live more commodiously. The Difference of Sex does not even appear very distinctly visible in all the Species; and if we credit Naturalists, there are many Hermaphrodites among the brute Creation, chiefly among Fishes and Insects; at least, the Number of Females greatly exceed the Males. As soon as their little ones attain to a certain Degree of Strength, they no longer own them. The Fathers and Mothers roughly drive their Children from their Nests and Dens; and the latter, far from having any Respect, Attachment and Gratitude for those that brought them into the World and nourished them hitherto, are ever ready to fight with them about the least Scrap of Food, and are just as quarrelsome with their Brothers, whom they fear will less.

The instinct observed in divers Species, to feed their young Brood the Moment they are born, is not yet clear enough to make us positive, that there is not something in it analogous with the Communication of the nutritious Juice in Plants. Whether the Products be inwardly annexed, or detached like Eggs, it is

is much the same as the Fruits of Trees; as soon as they are ripe, they break loose; and fall of themselves. All this is so mechanical in Beasts, that there is no Instance of an Animal taking Care to feed another of the same Kind that has had the Misfortune to spoil the Organs necessary for procuring Food: It will not take the least Trouble about healing the sick one, but lets it die without Help, without Regret, and without Burial. It must therefore be owned, that the Instinct of Beasts to feed their young ones, does not depend of any inward Reasoning, Faculty or Principle.

I AM not ignorant that there are even some Authors, who idly dream and insinuate, that all conjugal, paternal, amical, and, in fine, social Sentiments, are nothing but Effects and Consequences of Education, without which Men would not be more sociable than Beasts; and this they pretend to prove by Instances of some Savages, of which they give imaginary Relations. It is just as wise, as if they drew a similar Conclusion from a Lunatic living in the Woods like a Beast, who, having found a female Partner, should have communicated his Madness to all his Posterity; as it happens

CHAP. II. The Origin of Laws.

If it happens but too frequently in Human Nature. It is not from a few Individuals, that we must deduce what belongs to the whole Species. It would be a gross Mistake to ascribe to Dogs, Monkies and Elephants, what we see done by some of them, that are broke to certain Exercises and Tricks, and taught to do Service to Men : It is from the Generality we must argue and form Conclusions ; and herein the Error of those Authors is glaring at first Sight : By this general Plan we immediately discover the Weakness of their Principles, and the Malignity of their Arguments.

If Education, which inclines Men to Society, to true Tenderness and Love for their Wives, Children, Relations and Friends, be the same every where, it is therefore determined and produced by Nature, which is the same in all : But if this be not true, and that in Spight of a total Difference in Education, the same Sentiments are manifest in all inhabited Regions, it must necessarily follow, that Nature itself instils and keeps up the same Sentiments in all Men, whose Organs are not subject to some Disorder. Chuse which Side of

of the Question you like best, it will not be less true and demonstrable, that the natural Disposition of Humanity inclines you to Society, Tenderness and Compassion, and to all Duties that depend thereon.

Even though some Exceptions to this might be found among the innumerable Individuals that have made and still make up the Mass of Mankind, all the rest would concur in a Disapprobation of any contrary Sentiment; they would declare it inhuman, and rectify it if possible; and if it could not be rectified, they would punish the Authors of it, and quite seclude them from Society. Will any one dare to deny a Fact so notorious and common among Men?

Now, if there is a general Law for Nature, there is also a special one for Mankind; and it is the latter that constitutes the Law of Nations, and which, abstracted from any previous Convention, binds and obliges all Nations, and all People, to help one another to the same Advantages, and mutually give each other the same Honours, as Brothers of one Family. It is in Consequence of this general

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CHAP. 3. *The Strength of Law.*

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ederal and sovereign Law, that all Societies are authorized to hold together, in order to employ Force against Rebels, and punish them by War and Slavery, and such Desolation as attends the same, whenever they dare to trans-
pile upon those sacred Laws of Mankind.

CHAP. III.

THESE two original and supreme Laws must, in all Ages, have been productive of particular Laws, more or less extensive and durable, according as Nature and Humanity required it, both being liable to considerable Changes through the Weakness and Defect of Matter. The gross Exhalations from their Fund of Corruption, would at last have eclipsed the two Laws I am speaking of, had not the Author and Protector of Nature, who is also the Father and Guardian of Men, taken Care to draw these two architectonick Laws from behind the Clouds and Mists which hid them from mortal Eyes. This is the Occasion and the Necessity of the divinely revealed Law, and the sole and principal Source of all human Laws, which cannot acknowledge any other Foundation

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PART II.
Foundation than the Law of Nature and Humanity, adapted to Times and Places, to the Weaknesses, Customs and Conveniences of Men.

I HOPE I have, in the first Part of this Work, sufficiently shewn the Contradictions and Oscurities in which Men have involved the Source of Laws, and how they have concealed from themselves the most essential Truths, in Spight of the Efforts of Nature and Humanity, to preserve within their Breasts the Ground and the Substance thereof. I even flatter myself to have proved, that it cannot be lawful to any one to rely on his own Discernment, nor on the Knowledge of other Individuals, to penetrate into and investigate the Laws of Nature and Humanity, and dispel the Mists in which they are involved, in Consequence of Man's Corruption. So that unless the supreme Deity himself intervene by his paternal Care, to enlighten and strengthen us in this painful Task, we can make no Progress in it: All our Efforts to this Purpose would be fruitless, and probably pernicious, as is evident by the great Number of Diversifications on Nature and Humanity, published within

CHAP. 3. *The Strength of Laws.* 98
within these thirty Years by the pretended
Free-Reasoners.

In fine, I doubt not but a little Reflection on the Multiplicity and Variety of human Laws, with which we are beset on every Side, will force us to confess, 1. That Man is very sick, since he requires so many different Medicines, and such extraordinary Regimens, to preserve him. 2. That all this does not produce the intended Effect, since new Prescriptions are always wanting, to repair the Defect of the preceding Medicines. 3. That our Expectations from all those we might yet invent, are no better grounded. And, 4thly, that were they all laid aside and abolished, the World would immediately fall into the most deplorable and fatal Chaos imaginable, and in less than one Generation be irrecoverably lost.

THIS is what the wisest Legislators and most celebrated Civilians have unanimously confessed in their learned Works; and to dispute it with them, would be downright Madness. And yet it cannot be denied, that all human Laws, or, at least, the greatest Part of

of them, are an Emanation from the Law of Nature and Humanity, but so confused and uncertain, that Corruption has been very frequently taken for Nature, and Prejudice for Humanity. And hence it is, that it is no Rarity to find Laws among Mankind that favour Vice and give a Sanction to Crimes: So that the Evil goes on increasing without End or Measure, unless the extreme Damages accruing from it rouse Mankind, and urge them to shake off this tyrannical and cruel Yoke, in order to submit to another, which sometimes is not worth the Trouble of an Exchange.

But even though the Emanation were good, and the Fund from whence the human Law is derived were pure Nature itself, we could not expect much from it; for in passing through such corrupt Hands as those of mortal Men, it cannot fail of contracting Stains and Impurities in the Execution: Therefore they cannot avoid rectifying and purifying it now and then, and giving it a new Degree of Activity and Strength, that it may produce its Effects. Hence it is, that even the revealed Law has been liable to Reforms, and to be

be new modelled sometimes, in order to suit itself to the Weakness and Infirmities of human Nature ; just as the best Aliments and the finest Garments stand in Need of being altered or scoured, on Account of the Stains or Foulness unavoidably contracted by internal Digestion, or external Exhalations. This is the sole Source of the Obscurities, and the Difficulty of interpreting, which are objected to the written Word of God : Men have mixed their Prejudices and Weaknesses with it. Respect it as you ought, and you will immediately find it as clear, easy, lively, strong and salutary, as can be wished : But while you raise about it a filthy, thick Mist, exhaling from a depraved Imagination, in vain you seek therein that perfect Purity which corresponds with the sacred Source from whence it flows.

C H A P IV.

BUT this is not all. The Laws want Strength; and therefore must perish in process of Time, or fail in their intended Effect. I speak here of the Law only as human, since every Law, whatever it be, becomes human the Moment it behoves Men to understand, embrace, and execute it. The Law in itself may be robust and strong in the highest Degree, and yet become weak as soon as it falls into our Hands; just like Sampson on *Dalilah's* Knees, or the hardest Steel in a Furnace.

But do not imagine that I mean the outward Strength of the Laws, as corporal Punishment, Infamy, and Death: So far from it, that I account all this but as the weakest Side of the Laws, as will be seen in the sequel. All Force in the Hands of Men partakes of their Weakness and Indolence: The more rigorous the Commination, the less it obtains its End. Among the most barbarous Nations,

Nations, where there is less Regard to Humanity, they insensibly grow so obdurate, as to make light of the most ignominious and severe Penalties; nay, they glory in bidding them Defiance: Death is but too frequently a Benefit to desperate Villains, and in *England* to such Persons as are ever so little weary of Life. On the contrary, civilized and polished People cannot but be very sparing of Torments and cruel Executions, as finding them but little proportionate to the Crime: So that Delinquents flatter themselves that they shall easily escape, and do but too frequently escape Punishment.

MANY Legislators are much mistaken in supposing all Men perfectly equal. This is very far from being true. A *Barbarian* is barbarous both in Pleasure and in Pain, Barbarism being rooted in him. A Man that is polished and improved, is polite and refined in his Pleasures and his Sorrows, in Proportion to the Education he has had. We must reason upon Men as they are, and not as they ought to be, or as we would have them; unless we had, by long Discipline, like *Minos* or *Lycurgus*, succeeded in instilling Sentiments out-Put from the naked Sense, and from the paroxysms of various

into the People, adequate to the grand Object of the Legislator. Thus it is, that all outward Force becomes Weakness, with respect to the Law, when the Mind of Man is not prepared and fitted for the intended Effect.

DEATH and Torments do indeed shock every Man at first Sight; but let him not dwell long upon them, for their hideous Aspect insensibly vanishes, and he may even come to wish for and embrace them, if once, regarding the Dictates of Religion and Self-preservation, he is strongly possessed with Sentiments of Honour, Glory, Love for his Country, Tenderness for his Wife and Children, and sometimes for a Friend. How many fine Reflections might be made on all these Articles ! after which we might ask *M. de Montesquieu*, Whether nothing else but the Hope of eternal Rewards promised by Religion makes Men escape the *Legislator*? I know not whether he would dare to deny, that the Spirit of Patriotism among the *Greeks* and *Romans*, a Mistress admired by all the World, the Point of Honour in War among the *French*, and meer Infatuation alone in *England*, might not do as much ? Why did he strike at Religion only?

NEITHER

NEITHER can I forbear observing, that as the most excruciating Pains do not last long; the Thoughts of their being soon over greatly abates the Torment; so that Death itself is but too frequently considered as a Benefit, by Men languishing in Pain, and much more by such as are suddenly seized with a violent Terror: Then they freely leap into the Jaws of Death, as into an Asylum. Nay, the bare Prospect of publick Infamy will urge Men to this, and Women also, at least among the Inhabitants of the Island of Ceylon, where they demur not at leaping into the Flames of their Husbands Funeral Pile.

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I SHALL not dwell at present on the deceitful Hope of most Delinquents to escape the Punishment decreed by the Law; this being so notorious that all the World allows, that three Fourths of the Criminals on the Face of the Earth become so only through this Illusion. Not but that there are an infinite Number of Instances, where Offenders have taken their Measures so well, that they effectually frustrated the Pursuits of Justice, and escaped Punishment; were it not for this, so many

many Men would not be the Dupes of it. But those Wretches, becoming bolder and more hardened by the Success of their first Attempts, repeat their Crimes afterwards with so little Circumpection, that most of them fail not of being apprehended, and paying at last the just Penalty of their Deeds.

WE must not imagine that this is owing to any Relaxation or Remissness in the Magistrates; for it will always be a Question, whether the Frequency of publick Executions is more advantageous than their Rarity. It is clearly decided by the Testimony of all Histories, that whenever a Sovereign Prince has set himself to act with inflexible Severity against Offenders, and fully exerted the Power he was possessed of, it was then that his own Weakness appeared, through the Opposition made by the People, who were alarmed, soured, and driven to the last Extremities: So that the constant Remedy, in such Cases, was to reform the Government, and blunt a little the Edge of the Laws. The best Subject of a Prince is perfectly sensible of his own Weakness, and ever afraid of committing a Fault: But when he sees rigorous Vengeance de-

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nounced against the lightest Offences; he immediately sides with the Guilty, though innocent himself, and abhorring a Crime; and then the Weakness of the Government becomes manifest.

Thus the Strength of Laws cannot lie solely in the Penalties denounced, and the Punishments inflicted on Criminals, as these are often eluded, and sometimes endured without the least Concern: They never deter Men from Wickedness, unless they sincerely dread them, and entertain no Hopes of escaping them. In order to fear, we must love the Good which we are to be deprived of by the Punishment decreed against Offenders: And so in the Case of loving, the Object of our Love must be well known; it must persuade us of the perfect Happiness we shall have in possessing and preserving it. A Man that leads a miserable Life in a poor Village, or wretched Town, where he has few or no Relations, and no Prospect of bettering his Condition, will not much regard Banishment for a Misdemeanor. Another that has taken his Leave of Honour, and cast Shame behind his Back, by the most profligate Manners, is not in the least

PART II.
least concerned at the Pillory. It is no Ra-
rity to see miserable Wretches sell themselves
for Galley-slaves.



C H A P. V.

BUT what renders all human Laws still weaker, is the Article of Rewards, which all Legislators have almost quite forgot; or else they durst not touch upon it, for want of Means. The incomparable Moses is the only one that makes it walk Hand in Hand with Penalties; and perhaps none but he could do it, considering that the Promises and Menaces from his Mouth were guarantied by divine Omnipotence.

ALL other Legislators have been defective in this Point, and seem to have regarded Men as Creatures to whom no greater Favour can be shewn than not tormenting them, or not taking away their Life. Is there any thing more shocking to human Nature? Those Legislatours will indeed tell you, that they could not do otherwise, as having always supposed a thou-

a thousand honest Men to one Knave. How then could they provide Recompences for the Thousand? That, moreover, good Men are but just what they ought to be, to bear their own Reward in Hand, by enjoying the Benefits of Society, which cannot fail them, when every one does his Duty, and the Wicked are cast out and punished.

This is easily said: But, 1. There is not, perhaps, one in a thousand that strictly performs his Duty; and the least Deficiency is attended with pernicious Consequences, which sometimes go on increasing without End. The Foundations of Society are sapped and undermined by petty Offences, and not by great Crimes, the latter being soon discovered and chastized. 2. It is not sufficient that we do no Harm to others; we must do them as much Good as they do us; nay, we should, by our Benefactions and good Offices, meet those that are coldest and most slothful to do us Service, as is shewn by the Laws of Mechanism. 3. No People in the World think themselves happy, because they have barely a Livelihood for themselves and their Families, which is very seldom the Case of the lower Clas-

Class of People, who are the Majority in all Nations.

THE general Sense of Mankind is well set forth in these Words, *Beatus populus qui sci jubilatorem.* It is that Joy, arising from Pleasures and Diversions, which makes a People think themselves happy, and not hesitate to sacrifice every Thing in Defence of that Form of Government which makes them happy, and frequently allows them Spectacles and Diversions. This makes them Amends for all their Cares and Toils to earn a Subsistence. Man is naturally so fitted for Pleasure, that the Moment it is in Sight he almost instantly forgets all former Sorrows; especially in Shows and publick Diversions given by the Prince or chief Magistrates, where a great deal of Money is scattered and otherwise circulated among the People, who thereby enjoy for a while the Necessaries of Life in great Plenty. Every Man had rather have Pain and Pleasure alternately, than to be always without either. The Privation of every Kind of Ease and Indulgence is a continual Martyrdom.

THIS was well understood by all civilized and polished Nations: The Greeks and Romans had

had sufficiently learned from the *Egyptian* Nations, that the People must now and then have Festivals, Spectacles, and publick Diversions. Even the *Barbarians* have something of this Kind, though gross and rough as their Manners; nor do I know of any People, living in Society, that has not stated Times for publick Assemblies, in Honour of their Gods, to commemorate their Victories, or to celebrate Marriages, and perform funeral Rites. If we may credit the Relations of Travellers, in the remotest Parts of the *East*, they divert the People, two or three Times a Year, with Festivities which are not a little lascivious: This is carrying the Thing too far; and I fancy the great *Admirer* of the *Oriental*s would be very much puzzled to find an Excuse for it. The great Legislator of the Jews very wisely blended Religion with Policy in all this: And indeed these two principal Guides of Mankind ought always to act in Concert, otherwise Policy cannot long support itself.

THE military Laws plainly prove, that there must be Rewards, as well as Punishments, to make the Soldiers obey: And accordingly we see

I see that they are the most respected. If Soldiers had nothing but Punishments to fear, and no Rewards to expect, the Army would soon disperse : Fear would make nothing but Cowards, and extinguish every Spark of Generosity and Heroism. Military Laws are certainly the best enforced, because they hold Recompences in one Hand, and Penalties in the other : Yet they are not strong enough to produce an infallible and general Effect. They are indeed better than other Laws, but not so good as they should be : And the Reason of it is, that all Soldiers have not the same due Sense of the Evils they are threatened with, and the good Things promised them. This inward Persuasion is the Master-key to the Game.

THE Republics that had most Success in the World, are those that appointed honorary Recompences for such Members of Society as made a Figure in Arms, Learning, and Moral Virtues : But the Prospects of such Rewards could not take with any but those Persons who had a Sense of Honour, and adored the Idol of Liberty, after the People had been trained up to it by a careful Education

and Strict Discipline; and confirmed therein by the publick Festivities and Spectacles. It is uncertain, that neither Rewards nor Punishments can have any Influence over Mens Actions, unless they be inwardly persuaded thereof, and cleave so fast to the good Things professed them, as to esteem Life a Burden if they are disappointed of them, or have no Hopes of possessing them. In fine, this Persuasion is always the Key to the Game, as may be amply proved by Instances and Comparisons drawn from Phisic.

You seldom see a Man calmly putting to his Lips a Cup of deadly Poison, because the Persuasion is general, that it will infallibly occasion a painful Death, and that there is no Pleasure in tasting it. On the contrary, it is no Rarity to see Men eat Mushrooms, and cohabit with Prostitutes, being led astray by the sensual Pleasures they expect from them; for they flatter themselves that no Harm will come to them, or, at the worst, that they shall always have Time enough to apply a Remedy. But when we come to be sincerely persuaded, that there is no great Pleasure in Tasting, and that the Risque of being destroyed

stroyed is infinitely greater, nobody will any longer dare to make the Experiment: And if any one ventures upon it, he is condemned by all and pitied by none; especially as it is pretended, that every Man who is not delirious, ought to be guided by general Persuasion in Affairs of Consequence.

But this is not yet all. Physicians tell us, that *l'Apprenstone fa il caso*, according to the *Italian Proverb*. Whenever an Object, that has no Manner of Existence, is realized by the Strength of Imagination, the same Effect follows as if the Object was real. We have sometimes seen Don *Quijotes* perform as noble Exploits as any done by the Heroes of Antiquity for their Country and the Sake of Honour and Glory. A strong Imagination sometimes takes away the Reality of Objects and sometimes realizes Chimeras. Internal Persuasion is therefore the chief Spring of human Actions, and of the Passions that influence us: And this is what every wise Legislator must endeavour to produce, if he would give any Strength to his Laws.



C H A P. VI.

UNLESS Men be thoroughly persuaded, that they cannot enjoy the good Things they have in View, nor avoid the Evils they dread most, but by fulfilling the Laws, every Law will be weak and languid, and generally produce no Effect. In order to enervate a Law, it is sufficient that we may flatter ourselves with the Hope of enjoying Pleasures, and avoiding Pain, without obeying it; which is but too frequently the Case.

YET the Persuasion that one Thing is good, and another evil, will not be sufficient to make us pursue the former and shun the latter: We must also be persuaded, that the Good is absolutely necessary, and the Evil intolerably grievous. All Mankind are not generally agreed in their Notions of Good and Evil, which is owing to the want of Reflection: But induce them to reflect seriously thereon, and you'll find them well enough agreed in the Main; the Generality being for delightful

delightful Sensations ; and almost all having an Aversion to Pain. They readily allow, that the Permanent is preferable to the Transient, the Solid to the Empty, and the Real to the Imaginary : Nevertheless, as in the Circle of Pleasures there are some which are incompatible with each other, and we must make our Option between them, it happens but too often that Mens free Choice is differently made, according as they are differently disposed. As for Evils and Pains, they are all rejected, through a natural Repugnance : But it frequently happens, that Prejudice, Ignorance and even Knowledge, make us, naturally enough, prefer some Evil or Pain, that preserves us from a greater Mischief, or else seems to lead us to some Good, which we long for, and which we cheerfully purchase, by enduring an Affliction, without which, we are persuaded, it cannot be obtained.

In fine, by long enjoying Pleasure, and constantly suffering Pain, the Sense of both is impaired : Their Edge is blunted, and by Degrees we are enured to do without the former, and to bear the latter ; as is demonstrable by the Habit of Labour and Study, in which

at last we take Delight, after having some Time made it a Duty. Hence it is that a Law, which might preserve you from any Pain, or procure you a certain Pleasure, would in Time become cold and languid; and soon after quite useless, nay, perhaps odious, as might be proved by numberless Examples. A Law that procured to a Child the Pleasure of satiating himself with Fruits and Sweat-meats, and freed him from the Necessity of learning to read, write, study, &c. might have a vast Force and Influence over him in his Infancy: But as soon as he is no longer so fond of Fruits, and begins to be desirous of the Honour of appearing among well-bred Men, that Law has no more Strength with him, nay, he perhaps detests it. It is not the Law that changes; the Change is in Man, and Pleasure and Pain change along with him.

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Now, I defy any Man to persuade himself, that he shall not die, or that the Joys and Afflictions of this Life will not change; so that he may depend on the continual Enjoyment of the former, and Despair of a Deliverance from the latter. The more we reflect, the more we are convinced of it: But, without

without much Reflection, all Men in general distrust the constant Duration of present good and bad Fortune, and foresee a thousand Possibilities and Probabilities of a sudden Turn: And this must be set down as another Cause of Weakness in human Laws. It requires the utmost Skill to ward off the terrible Blow it gives them; and I very much doubt, while People have no Ideas of Good and Evil, but with respect to this Life, whether any Laws can be found strong enough to keep them within the just Bounds of their Duty. Much less can they be persuaded, that the Pleasures they propose to themselves, and the Afflictions they endeavour to shun, depend on the Observance of the Laws: A thousand Reflections, and ten thousand Examples, daily suggest to them, that Pleasure may be obtained, and Pain avoided, abstractedly from the Laws, and sometimes even by infringing them. The World does not want for a certain depraved Taste, which delights in flying in the Face of the Law itself, and looks upon as an intolerable Yoke the salutary Right it assumes over us.

THE Premises being duly considered, can you imagine that the Law would have much Strength in the Hands of Men that had no Knowledge of, nor Relish for any thing, but the mutable and perishable Goods of this mortal Life ? If our pretended Free-Thinkers had any Regard for Conscience and Sincerity, I should readily refer the Decision of this Point to their single Testimony : For, with them, every Law is only an imaginary Being, a mighty Nothing, or rather a hideous Phantom. M. *de Montesquieu*, who vouchsafes to make a Shew of his Religion, has suffered himself to be misled by such Doctrines in several Places in his *Spirit of Laws*, and particularly in the 2d Chapter of the 26th Book, where he very ingenuously says, *There are States where the Laws are nothing, or only a capricious and transitory Will of the Sovereign.* From whence I cannot help inferring, that there must likewise be States, where the Laws are a *real Something* : But I desire no more at present than this single sincere Confession ; for I am very sensible, that the Laws are nothing with the People of such State. Oh ! how despicable must the Sovereigns of that State be, since the Laws

Laws that establish and secure them, are reputed as nothing by their People!

C H A P. VII.

ALL Legislators have been of a quite different Way of Thinking, in regard to this capital Article. They were very far from being ignorant, that Strength is always relative to the Subject, and to the Object itself; and that a real and potent Being may be deemed very weak, if it meets with a Resistance equal to its Power. Wherefore, they all conceived, that in order to make their Laws prevail, they must begin with grounding their People in an invincible Persuasion of eternal Rewards and Punishments, never more to be suscepible of Change. It is thus that a prudent Physician, though firmly persuaded, that a certain Regimen is absolutely necessary for preserving the Life, and restoring the Health of his Patient, will not attempt to make him enter upon it, and relish it, without setting before him the Danger he is in, and the Pleasures that will attend his perfect Recovery. Now, all this is

very

very real, in whatever Light you view it, or
whatever Turn you give it.

MODERN Innovators have idly jested upon
Minoz, *Lycurgus*, *Numa*, and others, who,
to give Weight and Strength to their Laws,
pronulgated them as Emanations from the
Deity. Those illustrious Men understood,
much better than our great Scholars, human
Nature, the Strength of Laws, and that di-
vine Right over Men, which is the Preroga-
tive of the Deity alone. I am ashamed of it,
and yet I must observe, that even *Mahomet*,
of all Mortals the most vain and presumptuous,
reasoned abundantly better than certain incre-
dulous Pedants. They do, indeed, make a
great Pother about Imposture, but would find
it a very difficult Task to prove any; since,
for aught they know, some Intelligence or
Damon may have guided those antient Legi-
slators, or else some solitary Philosopher, who,
like *Socrates*, might have, or pretend to have,
a familiar Spirit. Must the World believe,
upon the bare Word of certain *Literati*, that
there are no such Beings as Demons and in-
corporeal Intelligences? Their arbitrary War-
rant for it, commonly goes down with none
but

BUT I may very positively assert, without
Fear of Contradiction, that the Testimony of
Midas, *Lycurgus*, *Numa*, and of every other
original Legislator, not excepting *Mahomet*,
proves that the Deity must intervene to bind
Men; and that without the religious Venera-
tion which is naturally due to him, on Ac-
count of his Omnipotence, and infinite Good-
ness, the Effects of which reach beyond
this mortal Life, it is impossible to give any
Strength and Confidence to the Laws which
it is necessary to make Men observe, in order
to render them as happy as possible. When
once this Persuasion is deeply rooted in Men,
whom Nature invites to embrace it, nothing
then remains but to demonstrate the necessary
Correspondence between human Conduct and
the Deity, whether with regard to his supreme
Nature, or with respect to his Design in
creating the World, and Man, who is indis-
putably the principal Agent therin. As soon

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as this Chain is well linked, we may defy any human Power to break it.

But we must take great Care not to fall into a Mistake in reasoning upon Laws with respect to Men, and always nicely distinguish internal Will from external Execution. I expected to find in our celebrated Civilians some important Reflection on this Head; but perhaps I overlooked it, or cannot recollect it. Nothing is generally proposed but the Execution of the Law, without minding whether the People will understand, approve, and sincerely desire the Law: But, without this, the Execution is only transient and deceitful; and as it depends no less on the internal Will, than on external Means, so the latter do not always depend on Men, nor on the Law.

A BATTALION is commanded to relieve another at Break of Day, in order to defend a Fort on the opposite Side of a River. In the Night the Waters swell to such a Degree, that the Bridge is broke down, and all the Boats carried away; and, to complete the Misfortune, the River is not fordable. It is not

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PART III.

not supposed that the Soldiers have learned to swim ; and if they had, they could not do it in Order of Battle. However, the Battalion comes to the River Side early in the Morning, and by all Means would pass over to the Post of Honour : But they are obliged to fetch Boats from a great Distance ; in the mean Time the Enemy attack the Fort, and the Garrison, that should have been relieved, has the Honour of repulsing them. This is not the Fault, but the Misfortune, of the Battalion that could not cross the River. The Application is plain enough ; yet I think this Point deserves a little farther Consideration.

CHAPTER

The Good Life, by George Orwell, published by Penguin Books.

C H A P. VIII.

TO make Men act, they must be made willing; and this cannot be done by Force. Without playing upon Words, I shall only say what is palpable to all the World. Our Will is always free, when we prefer to a good Thing, which we are very fond of, an Evil that we don't like, but which we must swallow down, in order to prevent a greater Damage: Without this the greatest Violence is mere Weakness. How can any Violence be offered to a Man that does not dread the Loss of Life, Estate, and Honour, and is so hardened as to laugh at Tortures, Dungeons, and Infamy? It is therefore a natural Attachment to those Things that determines his Will; without this all your Efforts are lost upon him; he can neither will nor act. External Force may indeed put his Legs and Arms in Motion; but it is not he that Acts then. This is the Principle of which the Stoicks have made so great an Abuse.

WHAT makes us will, is the Knowledge of the Good we propose to ourselves, as depending

pendidg on the Action which we undertake to do: Sometimes it is the Plenty of Means that offer, and excite our Will by the Facility of acting; and lastly, it is Necessity, in the Sense already explained, for we cannot help willing our Well-being. But, in the main, all this comes to the same End: It is ridiculous to say, that we will, without knowing why; and all sober, sensible Men look upon it as downright Folly to will we know not what.

INDEED there are many who sometimes will Things, which they have no clear and distinct Knowledge of; nay, it is no Rarity to will through Curiosity: But to propose something to ourselves as a Good, there must always be a competent Knowledge. We are sometimes deceived by Appearances; but we give over the Pursuit, as soon as Experience has deceived us, or we have listened to the wholesome Warning given us. It would be very wrong to call *that* Will, which is only a faint or transient Attempt termed *Velleity*. For an acting Principle there must be a sufficient Knowledge, capable of exciting Lust; and thereby determining our Will to seek proper Means

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Means to acquire the beloved Object, as the
Understanding suggests to every one, accord-
ing to the Measure of his Capacity.

EVERY Man naturally enough apprehends, that what he makes with his own Hands, cannot have more Virtue and Efficacy than he gives it. That Gratitude to the Author of Nature, and a respectful Dependence on him, are very proper, as he is the Source of all Blessings, and our Deliverer from all Evils; and likewise to Parents who have loved and educated us, and provided for all our Wants. Does not every one that behaves so to his Children, or to any other Person, expect proper Returns for it? As we should not like to be killed, to be robbed of our Wives, spoiled of our Goods, or stabbed in our Reputation, we readily apprehend, clearly and distinctly enough, that we must not do so to others, nor set an Example that would invite them to make Reprisals. Who is it that does not perceive, that this would be like one Man entering the Lists against Thousands? Here then is the strong Law that persuades, and makes us act: No sooner is it understood, than we assent to it heartily and sincerely.

BUT

But it soon happens, that one of our Fellow Creatures offends or attacks us ; or we are seized with a violent Passion, which makes us long ardently for our Neighbour's Wife, or his Goods, or instigates us to blast his Reputation, if it traverses our Pursuits and Designs. Then indeed the divine and human Law, which we so highly approved and sincerely loved while Reason was calm, appears to us in another Light when disturbed : We look upon it as an uneasy Yoke ; we can no longer so freely consent to it, but feel an Inclination to resist it, and to attempt any thing in order to elude its Effects. Here then is the feeble Law ; and it is on Account of this Weakness that Endeavours are used to strengthen it by Menaces and Promises, which certainly were not necessary in the former Case.

And now will you say, that Men were weak when the Law guided them so easily, but that they are now stronger ? On the contrary, they are sunk to the lowest Degree of Weakness ; and 'tis their Inability to know, relish, and execute the Law, that hinders its Effect. Perhaps they really wish they were able to do what

what the Law ordains ; but Strength is wanting to take any bold Step towards it : Or, possibly, they may be covered with such grofs, thick Darknes, that they no longer discern any Light, and cannot stir from the Situation they are in.

A MAN in extreme want of Sleep, or sinking under excessive Fatigue, pining with Hunger, parched with Thirst, overwhelmed with Grief, distractred with excruciating Pain ; or else suddenly seized with a pannic Terror, some impetuous Passion, or an inveterate Habit that gives him an invincible Bias ; in these Cases he will rather suffer a thousand Deaths, than take the least Step in the Track of a Law which he always approved and loved, and even formerly followed. If you would make him assent to it and fulfil it, first take him out of the deep Mire in which he sticks fast ; for while he remains in that deplorable State, no Law can have Power enough to make him act.

C H A P. IX.

BUT still this is not sufficient: He must be furnished with the Means requisite for the Action proposed by the Law, as well in positive as negative Duties; for if those Means be wanting, even the Will itself, the stronger it is, and the more it strives to act effectually, so much the greater Torment it occasions. But, you'll say, why should a Man *will*, when the Means are wanting? I answer, that he is inclined to *will*, by the Knowledge the Law gives him, though it does not at the same Time furnish him with Means to execute. We cannot help loving and desiring what to us seems fair and good; but the Means to attain it are not within us, nor is it always in our Power to procure them opportunity; which is too often the Case in Sickness. In Health one may seek and get a Livelihood; but in Sickness we can neither do that, nor find Medicines, without the charitable Assistance of those who are in Health.

FROM

FROM all this I may surely conclude,
I. That it is in vain for any Law to impose
a Duty on us, which our Knowledge inwardly
contradicts, and represents as an Evil. We
might indeed sometimes conform to it against
the Grain, to salse Appearances : But what
would not Men do to dispense with Confor-
mity, as often as it could be done without
Danger of losing any thing that is dear to
them ? Now, if the Damage which they pre-
sume attends the Observance of the Law,
exceeds what they might sustain by trans-
gressing, it is certain that they will never ob-
serve it : And it is impossible always to set the
Penalty of transgressing higher than the Pain
they think they endure in obeying. The
more rigorous the Commissions, the less
Reason there is to inflict them on Trans-
gressors.

II. SUPPOSING our Knowledge did not bear
Witness against the Law, if it does not testify
in favour of it, this is sufficient to prevent its
being fulfilled; for, in this Case, we should
no longer act willingly, but indolently, which
is next to not acting at all. Nor would it help
us

us out in the Argument, to suppose Men are Beasts : As beastial as they might be, they would nevertheless be continually reasoning, and the worse they reasoned, so much the worse for the Laws and the Legislator. Can it be denied, that the most ignorant Nations are the most remiss Observers of the Laws, and the most inclined to shake off the Yoke, and totally change or abolish them ? And how should they do otherwise, if they know neither the Justice nor the Utility of the Law, nor the Right it has to their Obedience ? On the contrary, the firmest and most vigorous Adherents to their Laws, are such as have most Knowledge, and are best persuaded of the Goodness of the Law, and of the Benefits acquired by observing it. Sometimes this Persuasion is carried even to Obstinacy and Enthusiasm, of which the *Sybarites*, in ancient History, afford a remarkable Instance.

III. It is not sufficient, that we are sensible of the Necessity of the Law, that we approve of it, love it, and sincerely desire it : The Obstacles must also be removed, and proper Means provided for its Accomplishment ; otherwise the Whole will avail nothing, in spight

sight of the Promises and Menaces tagg'd to it. Some will say, that the Law is weak: Not at all; the Weakness is in Men, and they must be strengthened, if you would have them fulfil the Law. In effect, Men are the Subject and the Matter, which must be prepared, that the Law may work upon them with a Probability of Success.

IV. This necessary Preparation consists in rightly educating the Youth of both Sexes, and particularly in persuading them, that the Observance and the Breach of the Law will infallibly be attended with Rewards and Punishments from a Hand superior to Men, from whom they can never conceal themselves, nor escape, and who chiefly waits for them in another State, to make them happy or miserable for ever: That this Hand does nevertheless reach them when he pleases, even in this Life, where he orders their Lot and Station, in Proportion as they conform to the Laws given by him at the Origin of the World, the Traces of which are visible enough in Nature: That during this mortal Life he has a great Regard for his Creatures, desiring nothing but their Felicity, which is to be had

had by amending their Ways, making Satisfaction for the Injuries done to one another, and Reparation for bad Example mutually given to the great Damage of Society: But that after Death, the Portion of the Obedient is delectable in the highest Degree, as that of the Transgressors is extremely horrible and miserable.

UNLESS this Method be taken, nothing will ever be done effectually, as I think I have proved above: The most that can be obtained, is only a casual and deceitful Effect, which will never answer the End of the Legislature. Even the little Good that may be got, will only be owing to the Nation's being more or less persuaded of the Truth of their Religion; for as to those who stab and trample upon it, it is a great Mistake to hope for any good Effect from them. These Men look upon all human Laws as a mighty Nothing, for which we have M. *de Montesquieu's* Word, as I have already taken Notice. In some Corner of Europe we may soon see the very Traces of Religion quite erased, and then a total Dissolution, a dismal Chaos and horrid Confusion will inevitably tread close upon the Heels of it.

C H A P.

C H A P. X.

In closing this Article, I cannot help making a few Reflections on the Proposition, *That the Strength of human Laws is derived from their being feared; which tallies very well with Mr. Hobbes's Principle.* I presume M. *de Montesquieu* has not clearly expressed his Meaning in that Place, as happens but too frequently with all Writers, especially as in several other Parts of his Works, I think I have met with Propositions incompatible with the above. But whatever his Meaning may be, I think that Proposition indefensible, even when he adds, *Human Laws derive an Advantage from their Novelty, which indicates a particular and actual Attention in the Legislator to cause them to be observed.* Here again it is very hard to put any just and rational Construction on these Words, as it is not easy to guess whether he speaks of new Laws, or new Objects of those same Laws; nor does it appear how the Legislator derives any Advantage from it, towards causing them to be better observed. If the Object is quite new, we cannot from thence infer any particular and

and actual Attention, as it never appeared till then: If the Object is old, the Law, which was become obsolete or buried in Oblivion, is only revived or reiterated; consequently I cannot call it new, but should rather think to add new Strength to it, by referring to its Antiquity. In short, it may be my Fault; but whether it is owing to Dulness, or any other Defect in me, it is certain I understand it no more than I do all that he says about Religion in the 2d Chapter of his 26th Book of *The Spirit of Laws.*

Much less can I conceive, how any Man can be bold enough to lay down Fear as a Principle, since it is evident that we can fear nothing but the Loss of what we love, and that where there is no Love there can be no Fear. Thus the Principle must be Love, and not Fear: And the Proposition before-mentioned can be no otherwise explained than by saying, *That the Strength of human Laws lies in our loving the good Things which they threaten to deprive us of, if we do not observe them.* This may be the true Sense of that illustrious Author,

IN

IN Consequence of that Principle, if the Legislator would enforce his Laws, he must begin by making his People fond of Life, Wealth, and Honour, and at the same Time give them right Notions of a laudable Enjoyment of those Things. Say not, that this is natural and common enough in Men, for the contrary is demonstrable by Experience. 'Tis only in ancient *Greece* and *Rome* we can prove by History, that the Vulgar had a Relish for Liberty and Honour. Among the modern civilized Nations, where the Nobility and Gentry have not yet quite trampled the People under Foot, some Sense of Honour is still retained; but, perhaps, it is misapplied and ill understood, and, in its Consequences, may be perplexing to a Legislator.

As to Riches, the Abuse of them is so general, that I know not what to presage therefrom, in regard to Obedience to the Laws; for, possibly, there is nothing in the World that inclines Men more to disobey them, than the Desire of growing rich. Competency, limited Plenty, and decent Luxury, are not much admired by corrupt Mortals: In order to

PART II.
to grow rich, they seek the shortest Road, be it good or bad; and the Majority sacrifice the Necessaries of Life in the Pursuit, and quickly overwhelm themselves with Misery. Others are daunted by Obstacles, by the great Crowd of poor Competitors, and the gripping Hand of the Potent, who will no longer suffer any to glean after them on their Lands. Nothing is more common than to see abject Persons despair of growing rich, and letting themselves sink into Wretchedness; and such as withstand the Temptation of robbing and pilfering, betake themselves to a mean Servitude, of which there is a great deal too much in all civilized Nations. This would have been abhorred by the ancient Greeks and Romans.

But the principal Article, grounded on the natural Attachment to Wealth, which must needs be in all Mankind, is the indispensible Labour and Fatigue to acquire it. This Article is very important, as being the Basis of all the Strength of a State, which consists of its native Stock of Riches, and the Fund of foreign Wealth acquired by Commerce and the Improvement of Arts and Sciences, Manufactures, &c. This is the real Treasure

Treasure of the Country, both for Peace and War. Do not imagine, that the Necessity of living and providing for the Wants of a Family, would have Influence enough over the People to make them work : I very much question it. Most of those wretched Mortals, who labour only for a Morsel of Bread, do little or no Work, and very often find their own Families a great Incumbrance. Nothing but the Hope and Probability of altering their Condition by an Increase of Wealth, is capable of exciting a Spirit of Industry, and enuring Men to assiduous Labour. Sometimes the Principle is not good, though the Effect be laudable. A Man laid up with the Gout sees his House on Fire, and the Flames spreading to his Apartment: The imminent Danger makes him collect all his remaining Strength ; he jumps out of Bed, runs out of Doors without the Help of Crutches, and so gets rid of his Disease.

Now, in order to procure this important Effect of the People's Labour, and to curb Greediness of Gain, the Prince must give a very particular Attention thereto : He must know and remove the Obstacles, encourage the

the People, and enable them to be as industrious, as the Situation of the Country, their Genius and Habits will admit: But, especially, he must make them fond of the Honour of excelling in Arts, and sensible of the Advantage of securely enjoying the Fruits of their Industry.

As for the Love of Life, which seems to be a Sentiment quite natural and necessary in the Living; they must not live merely to suffer and groan incessantly, and to behold the Oppression and Desolation of their Families: For in such a Situation I doubt whether Nature, without a deep Sense of Religion, could make them fond of Life. Equally careful should the Sovereign be to prevent the spreading of certain impious Doctrines among the Multitude, otherwise all will be infallibly lost. When once the Vulgar come only to doubt whether they are something more than a simple Machine or a mere Animal, they will be ready to shake off every Yoke, and even lay violent Hands on themselves, when they despair of gaining any Trifling Point they have in View. A Beast cannot take away its own Life, because it is a Beast: But every Man will

will be ready to do it, the Moment he believes he has every thing to fear in this World, and nothing to hope for after his Death. Don't we see that Mankind are not deterred from the Pursuit of sensual Pleasures by the Dread of the Pox, one of the most dangerous and loathsome Diseases, whereby they risque the Loss of Life, or else linger in Pain and Misery the Rest of their Days? In some Corners of the World one may find Men who clap a Pistol to their Ear, that they may not languish under that filthy Disease, nay, sometimes only because they are past getting it. If such detestable Examples are not very common among Mankind, even in the most barbarous Nations, 'tis owing to the Difficulty of obliterating all the Traces of Religion and Humanity, which are inseparable.

And now I ask M. *de Montesquieu*, whether the Law can ever have any Influence over Men that deliberately kill themselves, because they imagine they have nothing to hope nor fear after Death? To which let me add, that according to the Sentiment he has explained in his Book, the Penalties for the greatest Villains should be only Imprisonment and Banishment.

Banishment. Is it only the Fear of this, that would give any Strength to his Laws? Yet the same Author says, that none but such as believe a future State escape the Legislature. This is very harsh indeed.

CH

WE say the Law has more or less Strength, when it may promise itself an Obedience more or less extensive and infallible: In this Light it is generally taken; but this falls very short of the right Sense. No human Law, nor even the divine Law, has ever been strong enough to overcome effectually the Weakness of Man: We must always suppose an almost general Violation of it; and on this very Account there was need of a Law superior to all others, which admits of Excuses, and grants a general Pardon to Transgressors; otherwise every Law would have no other Effect than destroying Mankind. All that the Law can expect, is to be accepted, and practised as often as possible, and to make itself known and generally beloved; so that even

even when we are impelled to violate it, we still allow the Fitness of it, and make Repentance immediately follow the Transgression. More than this cannot be desired, considering the frequent Changes in Man, and how he sometimes degrades himself to the Condition of a Brute; and, therefore, it would be a great Mistake to pretend, that the same Man should always think, will, and act uniformly. This Metamorphosis is the fatal Rock on which the Laws split; and 'tis what every Legislator must never lose Sight of, if he would not be the Dupe of his good Intentions.

THOUGH human Nature is uniform in the Main, Individuals greatly differ, as is manifest in the human Body. The human Figure, and the Organs of the Body, are indeed, as to the essential Part, the same in all: But Features, Tempers, Habits, an hundred other Things, and even Distempers, make such Differences in Men, that what suits some, is not at all fit for others. The Medicines that cure the former, are rank Poison to the latter: The Things that please the Taste of some, are shocking to others; and nothing would be more difficult than to make those forsake what they

they like, and bring these to relish what they have an Aversion to. Besides which, I must observe, that Inclinations and Tastes change in the same individual Man, who now abhors what he formerly was most passionately addicted to. What Stress, then, can we lay on the permanent Strength of Laws, which floats on the tempestuous Sea of Man's Whims and Passions?

I AM very sensible, that there is always something common to every Class; that Necessity is felt by all, and sometimes forces them to act against their Inclination: But even this Ground is not firm enough to rest the Law upon; for who can be ignorant how Necessities vary in sick Bodies? And moreover, this Necessity, in order to be active, must be clearly understood, and very precisely and sensibly felt; for while Men are insensible of the Disease, they don't think of taking Physic, and submitting to a proper Regimen for a Cure. Is there any thing more common in our Days, than to hear Men, at least human Figures, maintain, that Irregularity and Licentiousness are agreeable to Nature? How will you persuade such Men to submit to the Law

on a shake. But experience can who never Societie Thing make hum in the Natu cile the nion,

Law that inhibits those Disorders. If you threaten them with a Penalty, they will endeavour to elude it, by concealing themselves from the Inspection of the Magistrate; and, as often as they think they may safely do it, they will laugh at a Law which they already condemn in their Heart, nay, sometimes openly with their Lips. Begin by persuading Men, fix their main Characterstick, set them on a solid Foundation, where they cannot be shaken; and then impose Laws on them: But if this Preparation be not previously made, expect no great Success from any Laws you can give them.

I AM surprised that M. *de Montesquieu*, who cannot help acknowledging, *that it is nevertheless necessary there should be something in Society of a fixed Nature, and that this fixed Thing is Religion*, should at the same Time make so great a Difference between divine and human Laws, and represent them to us as incombinable: *These two Laws, says he, differ in their Origin, in their Effect, and in their Nature.* Now what Means are left to reconcile this total Difference? Yet, in his Opinion, there is nothing fixed in Society but Religion;

Religion's and Religion, and human Laws are of a quite different Nature, the latter, consequently, being just that *Nothing* which the Author speaks of in the same Place.

Lycourgus intending to put all his People upon an Equality, with respect to bodily Strength and Complexion, had Recourse to Education and Gymnastics, prescribing even the Food of Children and Youth, in order to form Habits and Inclinations suitable to the Observance of his Laws : Nay, he even hoped by Degrees to spread and perpetuate a natural Bent thereto by Generation. All these Methods did indeed produce good Effects in military Matters : But, at the same Time, the *Lacedemonians* contracted a certain blunt, rough Air ; uncivil, rude, and sometimes brutish, not to say inhuman, Manners. Equality, the grand Object he had in View, was not kept up: Arts and Sciences did not flourish, and Commerce was still more neglected. And why so ? Because when we set ourselves to carry any one Virtue to the highest Pitch, we jump beyond its just Medium, and neglect all other Virtues. Man is not capable of excelling in every Thing; and whenever

whenever he aims at any Proficiency in all, he should content himself with a Medium, and temper Strength with Weakness. The Man that you would make too strong, immediately grows weaker by it, as is plainly demonstrated by Physicians.

C H A P. XII. No. 20. 2d

THE Moment that a wise Legislator publishes a Law, he ought to presume it will be violated, and prepare Excuses and Pardon for the Transgressors; otherwise he is a Tyrant, or rather a Dunc, quite ignorant of human Nature. The Law is indeed sometimes wilfully and maliciously broke, abstracted from any Knowledge or Sense of it, and without knowing whether it be just or unjust, advantageous or prejudicial. They resist and despise the Authority that enacts it; and it is not uncommon to dissemble in doing all this, in order to elude the Penalty. Herein lies the true Violation of the Law.

SOMETIMES also the Law is violated involuntarily, for want of Attention and Reflection;

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fleſion; just as through Distraction or Indolence we neglect not only the Necessaries and Conveniences, but even the Luxuries of Life. Sometimes we omit taking Phyſick, though we neither despise the Physician, nor have any particular Reason for rejecting his Prescription: Perhaps it is only from a Presumption of its being naueous or bitter, or we only mean to temporize, and take it afterwards, if we ſee Occation for it.

LASTLY, we ſometimes violate the Law against our Will, for want of Means, through natural Weakness, and a physical Aversion, which to us appears invincible: But at the same time we approve, we love, and endeavour to fulfil the Law; we induce others to do the fame, and are ſincerely sorry that we don't obey it. It would be very unjust to make no Difference between these three Transgrefſors. The first is a Criminal that muſt be punished: The second ought to be admoniſhed, and encouraged to do better: And the third ſhould not only be excused, but also held in much greater Esteem than an Obſerver of the Law, who acts only through Habit or Ignorance, or the Fear of Chaiſement.

FROM

From a Principle so evident as this, I may be allowed to deduce the following Consequences;

1. THAT the Observance of the Law, properly speaking, depends only on the inward Dispositions of the People on whom it is imposed, and the external Helps they have to obey it.

2. THAT its Strength consists in its being so clear and good, that it persuades Men, and wins their Approbation, by the Combination of its Light with that which they previously derive from their Nature and Inclinations, and sometimes from their accidental Necessities.

3. THAT the Weakness of the Law lies not only in the Want of this Combination, but also in the Uncertainty of its Effect, whether in regard to obtaining the good Things it offers, or avoiding the Evils it threatens us with.

Is A Law that is not calculated for doing some Good to Society, is no longer a Law, nor has it

it any Right to command or expect Obedience. M. de Montesquieu very justly observes, *that the Laws are often great, but latent, Beneficiis; and little, yet very sensible, Evils.* In Fact, all Men are not capable of apprehending the good Things at the first Glance, and yet are sensible of Evils the Moment they come upon them : But a Knowledge of the former is soon acquired by Practice, as we see Children do in most Cases.

From all the Points I have hitherto canvassed, it should seem, that it would be a great Equivoque to give the Appellation of *Law* to any Will, and any Ordinance arbitrarily imposed, that did not bind men by inferior Conviction and Love, and induce them to testify their Assent by outward Acts. Whatever might bind and restrain nothing but the Body, could not be called a Law without an Impropriety of Speech, because Men could never be supposed to consent freely to it.

In fine, let us add, that it would not have been amiss to look upon every Law as a Contract between the Legislator and the People, the reciprocal Part of which should be the real

real Good promised them in Consequence of their keeping the Law : A Good that ought to be clearly and distinctly understood, and freely accepted, without either Seduction or Violence ; whereby all the pretended Strength of the Laws, derived from Fear, is totally subverted and destroyed. I do not carry this Reflection farther, because some Civilians seem to look upon the People as Beasts : The most moderate are pleased to consider them as Babes : Yet, with their Leave, we should look upon them as Men, weak by Nature, and infirm through their own Fault. But are not Contracts made with sick Persons, that are neither Ideots nor delirious ? Witness their Wills and Testaments.

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Mark tellige tales and exercise some of the many fine, large, soft, yellow, Virginia pipe-leaf tobacco.

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The Committee will consider the same at their meeting on the 2nd instant.

the series the public to change their attitude; yet when they are going

The first part of the preceding article (see page 11) was written by Dr. J. H. Johnson, of Boston, Mass., and the second part by Dr. W. E. B. DuBois, of Atlanta, Ga.

the same time, we can see the beginning of the same thing, i.e., the coming of the new century.

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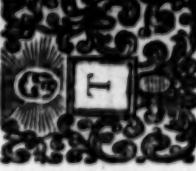


THE
TRUE SPIRIT
OF

LAW
WISDOM
S.

PART III.

CHAP. I.

 **T**HAT by which Men are intelligent, amorous and active, they call Spirit: Therefore Men should call Spirit, in Animals, Vegetables, and Minerals, that subtle, imperceptible, and ever-moving Corpuscle, which discloses in these Bodies the Marks and external Signs of the human Intelligence, Love, and Activity. Thus, relatively

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lively to Laws, that only can be conceived to be their Spirit, which renders them intelligible, endearing, and active; that is, their chief and universal Object, which can be no other than the Happiness of Mankind, a real, compleat, and permanent Happiness; and, if this be unattainable, to come as near to it as is by any Means possible, that Men may be less wretched in unavoidable Evils, and more happy in their Enjoyments.

I QUESTION whether Laws may be said to have any other End; and am apt to think, that Men would make light of an Order or Decree which did not recommend itself by some Relation to their Happiness, but much more if directly repugnant to their comfortable Subsistence. If inhuman Tyrants have sometimes enacted such Laws, enforcing them by the most terrible Menaces, 'twas but a Blast, spending itself by its own Violence, and exciting a general Detestation: So that it is unnatural to assign any other Ends to Laws, than the Happiness of those Men for whom they are made. This must soon or late appear in any Law that ever was or can be made. Legislators may sometimes be wide of the Mark, but they

they always take the like Aim ; their Intentions, at least, cannot be absolutely opposite.

WHETHER Man be susceptible of a real, compleat, and permanent Good, is what I shall not dispute : But I believe it will be readily granted, that every Man would wish the Good were such, if he had Hopes of obtaining it : So that it is nothing but Hope that determines the Importance of this Object. In effect, no Man of a sound Mind would prefer a chimerical to a real, a partial to a compleat, and a transitory to an everlasting Good, when he is persuaded that he may obtain it. The chimerical, the partial, and the transitory Goods, would, in Comparison of the real, compleat, and everlasting, be accounted real Evils, if any Compulsion forced Men to take up with the former, instead of the latter : But under a Want of the latter, the former are Goods ; and just so we reason of Evils. The less sharp and lasting, the more eligible ; especially when to submit to them, seems the only Means to avoid others more violent, and of a very long Continuance ; or when we think these light and short-lived Evils lead to the Attainment of our most interesting Views.

THAT

136 *The Spirit of Laws.* Part III.

THAT therefore a real, compleat, and permanent Good, as far as possible, must be the chief End of Laws, is incontrovertible; that, for want of this, the imaginary, the partial, and the transitory, may take Place; and sometimes also a lesser Evil, if securing us from a greater, or conducive to some important Happiness. This is what has misled many superficial Speculators to imagine Contrarieties, and essential Differences in the particular Laws of different People. Had they compared the Laws with the Inclinations, Customs, Circumstances and Conveniences of the respective Communities, nothing of any such Contrariety would have appeared. For in all Circumstances whatever, that is unquestionably Good, which is suitable to Nature, and the End of human Society: Thus Bleeding and Physic are Evils to a Man in Health; but no inconsiderable Goods in Sickness. A Fur Coat would be intolerable to an Inhabitant of the sultry Malabar Coast; but the Loplanders feel the Comfort of it.

Further, 'tis not mild Laws that will humanize the Barbarians, though their Horses are manageable with a silken Thread, the Earth holds but a few cattle which

which those of *Germany* would not feel. A civilized Nation would soon wince at the Imposition of severe Laws: Few Women and humane Persons can bear the Anatomical Dissection of a living Creature. Dishonour is not minded among the *Turks* and their Slaves; whilst in a Country where Honour and Nobility are prized, Death is preferred to Infamy. In War, Depredation is encouraged, and as much detested in Times of Peace: Piracy is the settled Practice of whole Nations, interwoven with their Government, and necessity, say they, to their Circumstances; and we, with all our Polity, in Time of War have PH-vateers to annoy the Enemy; and one is no better than the other, the *Corsairs* being in a perpetual War.

BUT amidst these, and many more Differences too tedious to enumerate, the Spirit of all these Laws is alike and uniform, constantly adapting itself to the Happiness of each particular Society, according to the Dispositions, constant Relations, and Circumstances of Time and Place: Thus the same Spirit, which in the human Body produces Life, Health, and other advantageous Qualities, causes also Sicknes, Languor, and Death, when the Body on which it acts becomes corrupt, weak, and disordered.

C H A P.

C H A P. II.

THIS is the only Spirit which is to be looked for in all Laws, and which alone affords a just Explanation of them, and by which they are to be compared. This alone is the Spirit which is acknowledged and loved, which sets Men on Action, and induces them to an Observance of the Law: For the natural Concern which every one has for his own Interest, impells him to love and put in Execution the Means proposed to him, and evidently promotive of that supreme End. Our Conviction, that a Law is for our Good, will immediately produce in us a zealous Esteem for it, and such a Compliance with it, as is in our Power. This Conviction cannot come instantly, but proceeds from Reflection and Information; and I think I have in the first Part demonstrated, that it is not every one who is a fit Counsellor in a Case of such Weight: But the following Considerations will safely direct the impartial Inquirer.

I. A LAW in *France*, published in the old *Gaulick Tongue*, would not be obligatory, the present *French* not being supposed to understand it; it being manifest, that it cannot be deemed a Law, on account of its Obscurity; much less is it one, if Life, Property, or Honour be attacked by it; for no body is to oblige himself to take away his own Life, Property or Honour, or to do himself any Hurt or Detriment, unless with a View of preserving them. A Part is sometimes required to save the Whole; and not to forego superficial and transitory Advantages, for the Sake of real and lasting Goods, is a most culpable Weakness: A Law must also require nothing above the People's Means or Ability, as Impossibilities never can be binding.

The plain Result from the Premises is, that every Law which is not intelligible, endearing, and proportioned to the Subjects Abilities, is to them no Law at all: That, by a Parity of Reason, an *Arabian* Law may be a Law for *Arabia*, a *Turkish* one for *Turky*, a *Siamese* and *Japannese* for *Siam* and *Japan*, and not for *France*, *Europe*, or any Christian Country. Likewise

Likewise a Law may be such in *Germany*, but not in *France* or *Russia*. The different Forms of Polity likewise, will not admit of a general Similarity of particular Laws. A Law for hardy, robust *Highlanders*, is no Law for tender, weak, and sickly People. The Law for Children cannot be imposed on full grown Men. Nothing is more evident.

II. It is sufficient if Care be taken, that the Effect be general, not limited to Individuals or any particular Branch of Society. The *Spirit of Laws* will have it so, and very justly too. This supreme and only Spirit aims at nothing but the good of all the Society, without any further Distribution of its beneficial Cares among Individuals, than as Parts of the Whole: Thus it is continually in Action, prompting each particular Person to fill his Place worthily, and excluding at the same Time all such useless, corrupt, and contagious Parts as cannot be cured. It never rests till they are separated and destroyed, for the greater Safety of the Remainder.

Without a perfect Comprehension of the Premises, one cannot have an Idea of the human

human Body, nor any Principle of Mechanism. Good and Evil, relatively to us, is not simply ideal, it must be sensible, and to a great Degree; as it is decided by the general Sentiment, declaring itself by the Majority, which soon or late ever turn the Scale: And here may further be added, that should the Majority fall sick, even then the Matter must be referred to them, endeavouring insensibly to reclaim them without any abrupt Opposition. It seldom happens that any Good is done by open Force against the Bulk of a Nation: And no sooner is a Law found to disgust the People, though only for want of entering into its Reasonableness and Advantage, but they should be humoured; and Lenity and Time never fail to gain their Approbation, and Readiness to put it in Execution, if within their Abilities.

If, in a Machine, only some of the lesser Parts be faulty, they may, and should be immediately taken out, and their Places supplied with such as are new, sound, and complete: But if the Defect has reached the main Parts, the chief Springs, the Machine must be entirely taken to Pieces, and made up anew, without sparing what was good in it, as now of M

of No Use, and also near being inevitably spoiled. If such an Extremity would be improper, all that can be done is to temporize, or at least not hasten its total Ruin and final Destruction, as it too often happens by an unseasonable Rigour: Towards a few Individuals, Rigour may be requisite and successful, to prevent a Depravation from becoming general; but when once it has got the upper Hand, Mildness and Address are the only Resources. These are the Documents of the Spirit of Laws.

III. As Men change, Laws should change. In Sickness we alter our Diet, and different Sickneses require different Diets: Different Inclinations, Tastes, and Habits, are insensibly contracted; and this calls for a Change in the Rule and Method of treating Men, in order to restore them to some Degree of Health, if not to a settled Perfection. Then the Necessity or Fitnes of the first Laws cease; they become useles, and are superseded by others, which must likewise alter with the Alterations in Men: But all these successive Changes can have no other End than their Happiness; and 'tis on this very Account that they change. Thus

Thus is the Change of Laws as natural, as the Change of Food in different Ages, Climates, and Diseases; and that of Cloathing in different Seasons, Countries, and Fashions. The former grow old, and become troublesome and disagreeable, and sometimes dangerous; yet there is no doing without Aliment and Apparel; and the Change of them is only for the Preservation and Comfort of our Lives.

Επινεγρατος Διδοστηθει ταυτη εποιησιν οικειαν

C H A P III.

PARTICULAR Regulations, Ordinances, and Statutes, are not to be confounded with the Law. This Mistake is very common, and it is that which causes the Appearance of perpetual Contradictions in Laws, and of their Inutility when growna old. Properly speaking, real Law never changes; and amidst the successive Alterations of the Body, the Spirit of Laws is ever the same. This Spirit cannot for a single Moment desist from interesting itself in the general Happiness, and from procuring it by all imaginable Means, and in all Junctures. It is like the Soul in the Body con-

consisting of several Members, all appointed for useful Functions ; they may sometimes appear to counteract each other, yet it is this Reintency which gives Life and Vigour to the whole Machine.

In reality, no particular Law ever could be called intrinsically good ; it is always a Constraint, a Bridle, and a Burden so much the more onerous and disgraceful, as implying a Weakness or Depravity in human Nature. Thus Bleeding and Medicaments are Goods only to the Sick ; to the Healthy they are to be considered as Evils : Yet the Use of them is highly necessary, as without them Sickness would soon get the Mastery ; and thus they are called Good, being necessary towards producing good Effects. On the contrary, the Spirit of Laws is of a perfect and intrinsical Goodness ; and all particular Laws are no farther good, than as animated by it.

This Truth is not a Spunge for all the Difficulties which may be brought against the Law of Moses ; but also, for the infinite Difficulties which may be brought against all the Laws in the World. Why does M. de Montesquieu talk

tals of this Spunge only for Moses's Law ? Without a thorough Knowledge of human Nature, there will be Difficulties every where ; and with a just Idea of the Deity, you will find none in the Laws of Moses, especially if you consider the Jewish People in their Origin, the Age of the World when they received their Laws, the Country from which they came, and that in which they were going to settle.

THE most simple and most general Law is ever the best ; it is the most genuine Representative of its Spirit. There is nothing like loving God with all our Heart and Strength, our Neighbour as ourselves, and avoiding wicked Men, but still without refusing them any necessary Relief. This is the Substance of the evangelical Law ; to this are reducible all its other particular Precepts. But foreseeing frequent Breaches, both casual and preposse, from the natural Weakness and Depravation of Nature ; it offers to Believers a supreme Mediator, an only Victim, atoning for all those Breaches, reconciling Transgressors, and furnishing them with the sufficient Helps of Faith, Hope, and Charity, to terminate, at least at Death, all their Transgressions, Weaknesses,

nettes, and Fears, and to prepare them for an eternal Felicity. Let who can, offer to such a Creature as Man any Thing better. This is the true Spirit, the Model, and Pattern of Laws.

AFTER all this, let me not be asked what is the Spirit of Laws. I think I know it, yet dare not declare it, but by a Simile. It is exactly the same as the Spirit of *the Persian Letters*, with which *Europe* has been so much delighted, and of which Editions upon Editions have been published. Did you expect any Thing so positive, and which has a nearer Resemblance to the Subject? Then ask the illustrious President *de Montesquieu*, what is this same Spirit of *the Persian Letters*, where it resides, and how it came to shine with such Effulgency in this first Production? He himself, by the same Spirit, will give you a Satisfactory Answer, without any Offence from me against certain Prepossessions incident to the Learned.

For my Part, I know the Spirit of a Work is the same with which its Author is animated. I even think I have insinuated, and perhaps

perhaps demonstrated for some Body, that the Law is originally and essentially the Idea and Design of Nature and Humanity, which are the Work of an Author. It is therefore in this sovereign Author that the Spirit of Laws is infallibly to be found : It is there I trace it in the Vestiges which he himself has marked in his Productions ; and which he has reimprinted, from time to time, to support the Weakness of the Matter against the Injuries of Time, and the Malice of wicked Men.



E N P O

322 Clegg



E S S A Y S

ON THE

NATURAL ORIGIN

OF

POLITICAL GOVERNMENTS.

By J. Count de CATANEO.

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The image shows a very faded and overexposed photograph of a historical document. In the center-right, there is a prominent circular library stamp. The outer ring of the stamp contains the text "BRITISH MUSEUM LIBRARY" in capital letters. In the center of the circle, the year "1872" is printed. To the left of the stamp, the letters "MS. A. 1. 1" are faintly visible. The rest of the page is covered in dense, handwritten text that is too faded to be legible.

P R E F A C E.



A M not ignorant, that to trace a natural Form of political Government among Men, and to deduce it from the Nature of Mankind in general, has been the Endeavour of the greatest Geniuses since the middle of the last Century. 'Tis probably my own Fault; but, so far from agreeing with them on this important Head, it is with the greatest Difficulty that I can enter into their Reasonings. No less have I been surprised at what is said of it in the Spirit of Laws, and particularly, when its

its illustrious Author pretends to prove, that the active Principle and main Spring in Republics is Virtue; in Monarchs, Honour; and Force under despotic Governments. From this I must differ: But who am I, to enter into Lists with such respectable Authors, and to object Thougts, which cannot appear new any farther than by the Connection and Arrangement which I have given them? This is what I am conscious of, but it is the very Thing that encourages me to advance them, in Gratitude to the Source from which they are derived, or in Honour of the Freedom of Mankind, or to Support of the Rights of Men of Letters.

If it is not for my Purpose to combat Mr. De Montesquieu's Reasonings; that would carry me too far. I shall likewise forbear analysing the three Forms of Political Government, in order

P R E F A C E.

V

to prove that Virtue and Force have a Share in each : For, as to the Point of Honour so much talked of, I do not know what it is, whether a Vice or a Virtue. All I shall do, is, to offer to the World my own Thoughts on the Nature of that Government, which is the best adapted to the Well-being of Society, without entering into any Dispute, or expecting any Quarter for the Mistakes which may have escaped me, as is too frequently the Case with all Mankind.



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ANNUAL REPORT

MURKIN'S HISTORY OF THE
UNITED STATES

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3. THE BUDGET The budget is the financial plan of the business for the period.



E S S A Y S
ON THE
NATURAL ORIGIN
OF
POLITICAL GOVERNMENTS.

C H A P. I.



HE Pre-eminence given to Fear, in making it the original Principle of all Societies, has always appeared to me so contrary to Truth and good Sense, that I could not forbear attacking it in several Parts of my Works. Long before there was any Possibility for Men to fear each other,

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other, or quarrel about Possessions, a natural Propensity, and a familiar Acquaintance, inclined them to a reciprocal Union. A thousand Indispensable Wants, which no Man by himself, however laborious or ingenious, could ever provide for, must have linked them together; and a thousand Pleasures, to which we are naturally addicted, must have been the Cement of Society, without which we cannot attain to any Felicity. These Dispositions have in all Times preceded those Feats and Terrors which are the Effects of Envy, Jealousy, and the Fury of Revenge and Depredation: And, great as the Evils are, which flagitious Men have introduced into Society, yet is it infinitely more eligible than the Abolishment thereof, were it practicable.

It would be an Affront to Common Sense to offer minutely to prove what itself perpetually acknowledges in general. Is a Child born with Hatred of other Children, or Fear of those who are stronger than himself? How moving is the Fondness, how unsuspecting the Cordiality, of the infantine State! It goes through many grievous Proofs, before it is brought to fear any thing. Caution itself is not



not easily implanted in Children, even by the careful Hand of Education: To maintain the contrary, would be nothing less than perverse Chicane: Love must have preceded Fear.

1799 British Library
That Men sprung up like Mushrooms in the Forests, and were driven from thence, as so many wild Beasts, by Hunger and many other Wants, are wild Imaginations, not only void of Authority and Probability, but disproved by History, and all the Experiments of our Days, as I have elsewhere fully demonstrated: I say, Experiments; for, all the Stories told us of an Animal nearly of the human Shape, running up Trees with the Agility of a Monkey, which was taken out of the Woods, have also sufficiently shewn the Impossibility of civilizing him, or teaching him any Language, or reforming him on the Model of a human Creature. The like has been said of certain solitary Savages in the remotest Corners of the Earth. All these pretty Stories, of which some modern Authors are so fond, yet have not the Power to undeceive them on the imaginary sylvan Origin of Mankind.

It is evident from every consideration of the Nature of Government, that it can only be founded upon either of two Principles, **NEITHER**

NEITHER was it the Security of Life and Property, or the Distribution of Conveniences, Riches, and Honours, which originally gave Rise to Societies : It is evidently false ; for, without Society, no Life, no Honours, no Riches, nay, I could almost say, no complete Reasoning. Could a wild Man have had any Ideas of the various Benefits of a policed Society, without a previous Experience ? Is it not Effrontery to advance, that rude Wretches, issuing from the lonely Forests, and actuated only by Fear, which makes a Man fly from his Likeness, should have understood the Nature and End of Societies, and concurred in establishing them ? This Construction is too forced ; it is making too free with Credibility to set out in this Manner. Men are in all Ages said to be no better than Brutes ; and yet they are accounted to have done that, of which there is no Appearance in any other Species of Animals. Is not this a glaring Contradiction ?

THE great View of securing Life, Honesty, and Property, must be posterior to the Profession and Sense of their Value, both which are attainable only through the Channel of Society :

Society: To it only are Life, Honour, and Opulence, owing; and they are its principal Scope. So certain and indisputable is this, that many Societies, where Property is precarious, have subsisted a long Time, and still do subsist, because the People, by this Connection, have in their Hands the Means of procuring themselves all Sorts of Pleasures and Enjoyments. Of this are not the *Turkish Despotism* and all the *Eastern Countries* so many Instances? There Fortune, Honour, Life itself, depend on the Caprice of the Sultan and Pachas, who lie in their Turn at the Mercy of popular Fury: Yet Society subsists no less among them, than in the best-regulated Commonwealths? And do not Mankind in general risk their Lives and Fortunes for the sake of Pleasures and Advantages? From the Casualties to which sublunary Goods of all Kinds are liable, Men are convinced that no Good or Possession is to be held unchanged; the most taking Bait is, that they shall come at them easily, and make the most of them whilst they may: Perhaps, generally, the most plausible Pretext Avarice can alledge, is the tottering Condition of worldly Goods; and this excites such an Eagerneſſ after a Variety of them, that, if some are lost, others may

may remain. Thus, the chief End of Society is Wealth and Pleasures, though variable and transitory; and this excludes any prudent Fear. It is a Wonder to me, that this has been so little or not at all attended to by the profound Philosophers and sagacious Civilians.

Even the best Politicians have very often split on this Rock. A Legillator, who has provided no farther than for the Security of his People's Property, has done nothing, if he has not previously put them in a Capacity of acquiring and enjoying Wealth by Arts and Commerce, according to the Nature and Situation of the Country. What room is there for Security, where every thing is wanting? Upon the Increase of a Family, the determining Controversies and inflicting Punishments cease to be the main Concern; the Business is to find a Subsistence, a Supply of our many Wants, with an Overplus for our Pleasures. He who abounds in Riches, and has variety of Pleasures within his Reach, does not feel the Expence or mind the Trouble of a Law-Suit. It is better to have one with t'other, than to be without both!

VOL II. PART II. NO. 10. THE

The first Things which come under Consideration in Society are Tillage of Lands, Breeding of Cattle, Making of Cloth, and to have some Kind of Architecture. These are the principal Employments upon the Formation of Society ; and Fear can have no Influence here. Now, in order to Tillage, the Earth must be first opened to get Iron, which must undergo the Forge and Hammer, to make necessary Instruments for fashioning even tho' Wood into Ploughs and Barrows, and a thousand other Implements and Utensils, without which the Necesaries and Conveniences of Life cannot be procured : For, take away Pleasure, and what is Life, and every Thing in it? Under Pain, Confinement, or Penury, 'tis a Burden, especially to Persons of Spirit. Life itself is not more natural to Man than Delight ; and Fear is its direct Opposite. Did Fear ever prompt any one to Diversion and Festivity ? Let Chicanery rave to Eternity ; that infinite Connection of Arts and Sciences, Manufactures and Artificers in which the Support and Enjoyment of Society consist, has not the least Analogy with Mr. Hobbes's Fear.

an animal Lenten, at having been

CONCEALING their Names,

C however say, that many great Geniuses, who, by the bold Productions of their Wit, blazed for some Time, have spared themselves the Trouble of canvassing the false Principle on which their Systems are built. The Soil of Humanity, originally very solid and strong, has been greatly changed by Variety of Accidents; it is now so marshy, that, without very good Piles, there's no raising on it a Structure of any Stability. The Builder must dig to the Rock, and not be deluded by any vague or specious Conjectures. The Edifice may be contrived in all the Justness and Beauty of Architecture, and the Artificers Men of admirable Skill: But what avails all this, if the Foundation fail? The Ruin will only be the greater, and the Fall more deplorable.

CHAP. II. Travagant

THE Weakness of human Reason immediately appears in the general Abuse of its Agency, ever plying it, in whatever it is exercised,

exercised, beyond its natural Limits. No sooner does it begin to feel its own Sufficiency, than it sets up itself as an absolute Judge, bringing every Thing under its Cognizance, and peremptorily rejecting whatever is without the Sphere of its Capacity. But, too often, meeting with Obstacles, which, stopping its Career, are a Reproach to its Weakness, it frets and flings, and in its Madness runs to the opposite Extreme of the *Pyrrhonians*, renouncing even its own Nature, and degrading itself to the Brutes. Thus Pride drives it to the most despicable Vileness, and makes it obstinately spurn at the clearest Lights offered in Support of its Dignity. Nay, it proceeds so far as to deny the Evidence of Things, though continually obliged to rest thereon, in Spight of its Perverseness.

These are two opposite Extremes, which form two irreconcileable Parties in the Republic of Letters, both alike remote from Truth. To one Party all Things are possible, and to the other nothing ; they hold neither with Possibility nor Impossibility, making no Allowance for the different Degrees of Culture which the human Mind may have received. It would not be much amis to look

Look upon the human Understanding as the Elasticity of a Spring, which, unless exerted, will never display its Force : It would be a mere nothing in Effects, though in itself a real Power.

REASONING does not come till afterwards. For, what is Reason, but a Truth explanatory of another, by unfolding their Combinations and Analogies ? Therefore, without some Truths antecedently known and convictivelyacknowledged, there could be no such Thing as Reason among Men. The Power to give a Plausibility to his Prejudices, may imagine as many Children as he pleases brought up in the Woods, and destitute of all Education, and then attribute to them the Power and Exercise of Ratiocination : Whereas a Puppy, brought up among Men, may with less Difficulty be proved to reason, than that a Child brought up among the Beasts in a Forest, does actually reason.

We accordingly see Infamy and Distress intailed upon their Issue, by the Death, unfruitable Marriages, Calamities, and Crimes of Fathers; the Children, for Want of Education, remain clownish and ignorant, become vicious, and

and insensibly degenerate, so as to lose all
Vestiges, not only of Politeness, but also of
Virtue, and even of Humanity. This is
the only, and the palpable Reason of the
total Corruption of People, whose Nations
being sunk into such a Brutality as to make
it a Question whether they are of the
same Species. After what we daily see among
ourselves, with all our policed Societies, to
what Purpose should we seek for other Rea-
sons? How many Families become disfigured
even in Body, in Language, and gradually
waste, by hereditary Defects and Distempers?
Have not the Invasions of Barbarians more
than once barbarized the whole World?

IN fine, is it possible there can still be Philo-
sophers, who know not that the human Un-
derstanding is no more than an incessant Acti-
vity for comprehending and receiving all Ob-
jects presented to it, as far as they are intel-
ligible? It is not unlike the soft Wax, fit for
all Impressions, the last of which remains till
obliterated by another. The only Difference
at present to be observed is, that the human
Understanding is capable of learning to con-
nect and compare the several Notions pre-
sented

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fended to it, yet without being able to produce any Thing of itself.

10. May
The Ideas, by the Platonicks supposed innate, are according to their Doctrine, learned by Souls, when dwelling in the upper Regions long before their Banishment into these Bodies: But, in considering the Nature of the human Mind, *Plato* very well perceived, that it was but a simple naked Principle of Activity; and omitting its Agency, it is indeed *Aristoteles Tabula rasa*. Is not this precisely insinuating that it has nothing in itself; and that whatever it has, or seems to have, does and must be adventitious?

In Effect, when this is urged home to the Learned, they must necessarily allow that every Man immediately receives from others a Heap of Lights and Principles, and even learns from them the Manner of combining and applying them, which is called Reasoning on them; So that with us all is Tradition. However we may exclaim against this Assertion, it ever will be found the Case, as is manifest in all Arts and Sciences.

Now, if there was a first Man of the same Nature which he has transmitted to others, as he had

had learned nothing by Tradition, none having been antecedent to him; it argues great Need of Hellebore not to own, that he must have received every Thing by Revelation, that he might be the natural and necessary Source of Tradition to his Children, from whom all Mankind have proceeded.

Having only one Book which treats of the Origin of the World, and this Book having gained great Veneration among the most esteemable Persons for above thirty seven Censures, some Distrust may be allowed it, especially as nothing reasonable has been brought to the Disparagement of it. And do not all the Literati hold *Herodotus*, *Diodorus*, *Livy*, and many others, in great Veneration, though they are not without their marvellous Passages?

THERE are other Works, in which are explained the certain Marks of a much more respectable and far superior Character, which shines in the History of *Moses*, than can be produced from any other known Author. But this is not the Time for dwelling on the Proofs, as it would break in upon an Argument, the Force whereof depends on the uninterrupted

BUT what puts the Extravagancy of human Understanding beyond all Question, is, that so many grave Writers should side with that opprobrious Absurdity, which places Men originally roving in the Woods and Fields like wild Beasts, without any Society : Nay, they have taken all the Pains imaginable to brand these Men with an Inaptitude and Aversion to Society, not to be overcome but by Terrors or some such Baits as the Charms of Orpheus's Musick.

If it seems their Authors had quite forgot that Men universally have issued from Marriages betwixt Families immemorially affinited; and that if, by a very singular Accident, a human Pair ever fled from Justice or Violence to the Woods, their Descendants had soon been compelled by Distress to shift their Quarters, and throw themselves upon the Mercy of their Fellow-Creatures, who never re-

III. 9 A H C
CHAP. III. of Political Governments.
21
so numerous by quan-
tumto admit them again into Society, and
cultivate and reform them, pursuant to a Law
which Nature itself imposes.

THAT those Authors should not be aware of such a prominent Error, that they should build on without feeling the palpable Weakness of their Foundation, is amazing, if not worse. Though Tradition and the general Assent had not informed them that all Men are originally sprung from one Father, and at first must have been Members of one Family, and in Time of a large Society, was not the present State of the whole Earth sufficient to rectify their Mistake? Not at all. When once Prejudice is rooted in the Mind, it is not even the Information of our Senses which can extirpate it.

It was the manifest Necessity of providing a Subsistence for their growing Numbers, which first obliged Mankind to separate : New Lands were to be cleared, and their inexhaustible Bowels ransacked, for the Support and Conveniency of those Nations which began to cover the whole Earth: Yet they ever separated in large Societies; and as such maintained themselves, with the Help of those Sciences

A still more extraordinary Circumstance in the Chimera with which these Authors have been so extremely taken, or rather infatuated, is, that neither History, nor even the Poets, in all the Wildness of their Fictions, afford the least Trace of any Assembly, general or particular, to agree about the Religion, Laws, and Usages, that are generally established among Mankind. All the Poets have unanimously given Mankind out to be the Issue of the Gods themselves ; and have maintained, that for all Sciences and Arts Men were indebted to an immediate Revelation. The Historians of After-ages speak to the same Purpose ; only, and that but seldom, using the Word Tradition instead of Revelation. Last came Philosophism, which only seconded the former Opinions. Yet, these learned Persons splitting into Sects, some of them forged Absurdities and Sophisms, which favour not a little of the supposed beneficial Commencement of Mankind. From some of these probably it is, that a certain Civilian

CHAP. III. of Political Government, 23
Civilian has drawn the Materials of the hollow Foundation of his Jurisprudence.

It may indeed have happened, that Children refractory to their Parents, troublesome to their Families, and noxious to Society, had fled from the Punishments they deserved to uncultivated Climates, where Woods, Mountains, and Rivers, afforded them a natural Barrier. Thus, doubtless, what small spark of Humanity was left insensibly went out, and all good Sense and Virtue became involved in Darkness. But what is this, compared to the Univerfality of Mankind, which has, without any Discontinuance, concurred to keep up numerous and policed Societies by a successive Tradition?

Who can be ignorant, that, as *Chaldea* was, as it were, the Cradle of the Infant-World, so, after the Deluge, was it the Nursery, where all Nations grew up, till they separated, carrying with them the Traditions, Laws, and Usages, derived from their Ancestors. From this Land of *Chaldea* it is, that the *Egyptians*, the *Scythians*, *Indians*, and *Pheonicians* have transplanted all their Knowledge and Polity. This is an uncontrovible Fact; for all History is

24. *Essays on the Natural Origin* Chapt. III
is Witness of the Truth thereof. The Egyptians
and Phenicians improved the Christians, who
afterwards came to be the Preceptors of all
Europe.

Traditions, in their Descent down to us,
have undergone considerable Adulterations,
from the Prejudices of those who got them into
their Hands, and made themselves the Depos-
itories and Promulgators of them : There was
even Danger that the genuine Traditions would
in Process of Time be utterly defaced ; but the
Provident Author and Father of Men had guard-
ed against it from the Beginning. His Wisdom
selected a particular People, who were to be the
Depository of the genuine Traditions : He dis-
tinguished them by an indelible Token : He
exalted them, so as to be the Glory of the
whole Earth, that, being regarded as the Fa-
vorites of Providence, Recourse might be had
to them on all Occasions, for ascertaining the
the true Dictates of Nature and Religion, and
the Laws of Humanity. Thus Tradition, be-
ing reduced into Writing, has been rescued
from the profane and intrusive Hands of hu-
man Reason, which, when not directed by
good Education, nor controlled by Supreme
Authority, is ever floating amidst Passions and
dreadful Prejudices.

Thus

Chap. IV. of Political Government. 215

This we shall illustrate by a plain Narrative of the Creation, in which is also set down the true Origin of the general Depression, by which, without the Interposition of a fresh Revelation, the very Worship of God and Love of our Neighbour were in Danger of being totally extinguished.

C H A P. IV.

NOTHING can be more simple and natural than what the Creator did in forming Man, to engage him to honour and love him above all Things, and to be no less tender of his Neighbour than of himself; which is the great End of all Law and Justice.

ADM is at first created single, that he may feel himself a Creature no less desirous of, than formed for Society, which cannot be compensated by any other Advantages: His tedious Lonelines is soon relieved by a Companion taken from his own Body; he knows it, and instantly rejoices at the Sight of her; the Beauty in which she was created

26 *Essays on the Natural Origin* CHAP. IV.
to link his Heart to her, had the proper Effect, and inspired the softest Emotions. So early was Man taught to love his Fellow-Creature as himself.

ALL outward Objects, though the Sensation was then new, did not in the least partake of this rising Love; and to this tender Pair the Beauty and Delight of them gave no Contentment, but as they enjoyed them together : The benign Deity himself was pleased with their Fondness ; he did not resent Adam's Effusions of Complacency to Eve, though it does not appear that he had yet paid any Thanks or Adoration to the Author of his Being : And is it not natural to begin with the Love of our Likeness, in our Ascent to the Love of God ? Indeed, it is God himself who is loved in every Object of Love; and, when we attain to love God supremely in all his Works, this is a perfect Worship.

In the whole Circuit of the new Creation, there was nothing to excite the least Sentiment, the least Idea of Fear or Hatred ; they are incompatible with Innocence. God himself always appears to Adam in a Figure like his own, speaks to him in his own Language, and seems to exert

Power only for the Welfare and Delight of his Creature. After giving him Dominion over the whole Earth and all Creatures, a delicious Garden for his Residence, and, to complete his Felicity, an amiable Companion, could any Thing further be wanting in the Creator to bind *Adam's Love*, and, in him, that of all Mankind?

However, his Goodness stops not here: Knowing the Danger that new-created Man might be allured to take his first Aliment from a Fruit that was peculiarly *plesant to the Eye*, but of which the incomparable Use was to be delayed, till after tasting the Fruit of the Tree of Life; in his paternal Tenderness, he admonishes him of it, and even condescends to inform him of the Reason; for, says he, this would be a mortal Poison to you.

THIS Premonition a jealous Spirit at the same Time lays hold of, as the only Way to destroy Man; and, immediately falling to Work, he brings unexperienced Eve to believe that he is in the Secret with God, as a Preamble to his contradicting the Divine Decree, and denying the fatal Consequences, sily dropping a Word to give an invidious Turn to the salutary

28 *Essays on the Natural Origin
of Inevitable Warning which their Creator had given
them.*

VI. 9. A. 2

Chap. IV.

The innocent, and consequently credulous Creature, not knowing but there might be other Figures in the World who spoke her Husband's Language, and as yet unsusceptible of Fear, being without any Ideas of Evil, and much less of Death, is not alarmed at these Inveiglements; and, taken with the Sightliness of the forbidden Fruit, she plucks, bites, and persuades her Husband to do the same: Though conscious of the Evil, his Passion for her will not permit him to hesitate.

Thus, notwithstanding all the Creator's Care for the most perfect of his Works, and by him destined to eternal Happiness, is the fatal Blow given to Mankind. The Guilt of our new-formed Parents declares itself in Shiverings and Blushes: Then it was they first felt Cold and Shame. They are immediately for covering themselves: And this was the first Interruption of the perfect Love in which they were placed at their Creation.

THE paternal Advice of the Creator is immediately construed to be a Menace, and their inward

CHAP. IV. *of Political Government.*

29

inward Disorder convinces them of the fatal Consequences. This might well make them fly from the Face of their Master, whom they now began to dread as an Avenger of their Crime: This might well fill them with Detestation of the treacherous Serpent, and with a racking Apprehension of being speedily cut off and deprived of all those Enjoyments, of which they had but just began to taste. At the same Time, might not the Delay of Death give them some Hopes, or induce them to doubt a little of the Effect of the Almighty's Threats, or persuade them that Death was nothing else but the State in which they found themselves? We plainly see that the Wretchedness which they had drawn upon themselves made a Breach in the perfect Love which hitherto had been growing betwixt these two human Creatures: *Adam* peremptorily throws the Blame upon the Companion, *which thou gavest me*, as he had the Confidence to say to God.

HERE, at once, Love and Fidelity, so natural to Man, at the first Shock of the first Trial is slackened, and near being entirely dissolved. Could human Reason clear up to *Adam* and *Eve* the Uncertainty of their Destiny, that fatal Source of the Darkness which has pervaded

vaded all Mankind ? Could it find out whether God would pardon Mankind, or not? whether he had provided a Remedy against the dreadful Damages of their Guilt, or not? or, whether they were to live or die? A sad Proof how a momentary Aberration from that Faith and Love which unites us to God, throws us into the most deplorable Dark ness !

IT is from God alone that proceeds all Ill mination and Relief, and they experience it in a new Revelation. He calls the Delinquents before him, and informs them that their Wretchedness is wholly owing to their Dis belief and Disobedience; he animates them to a determined Hatred of an Enemy, who would give them a great deal of Trouble before he could be finally crushed; he also particularizes to them a Life of Toil, Pain, and Affliction, to be terminated by Death; after which, he comforts them with a glimmering Hope of a Felicity beyond what they had forfeited. In fine, they were driven from their delicious Garden, and sent to get a Sub sistence out of the Earth by the Sweat of their Brow.

To which All

All this was no more than a second Trial, and the only Remedy for their Transgression: But it is not so in Man's Account. To erroneous human Understanding it appeared a severe Punishment. Our first Parents were doubtless averse to dying: But a Life of Labour and Sickness pleased them as little. All the Good promised them is at a vast Distance, and all the Evil present. How different is the last State from the first!

I THROW a Veil over the unnatural Tragedy, which happened soon after by the two first Brothers, and which gave the last Thrust towards the utter Overthrow of Fidelity and Affection among Men. The active Principle of natural Love, not daring any longer to trust to external Objects, collected all its Agency within itself: And hence arose what we call Self-love, that almost unsurmountable Obstacle to the Love of our Neighbour, which is so much the more pernicious, as it is often imperceptible, and continually circumvents us by unnumerable Disguises.



NOTE OF THE AUTHOR. CHAP. V.

FROM this brief Narrative, which is taken, without any presumptuous Alteration, from that of *Moses*, it is clear, that nothing more could be done for intelligent Creatures, than what the Creator did, to fix their eternal Happiness on a stable Basis, enjoining them to live in a perfect Love to him and to themselves.

It also lays open, with the same Perspicuity, how this admirable Work was at once ruined, and Mankind fell into Weakness, Darkness, and enormous Depravation, which were the almost necessary Consequences of the first Error. That such a Train of Misfortunes immediately succeeded, is the Fault of human Reason only: For, when once it has thrown off the Yoke that is fit for it, and leaped over the Limits of Divine Revelation, there is no End of its Errors and wild Satanies.

To

To be convinced of this, you need only consider the present Ignorance of this so much boasted Ratiocination in regard to God, our Neighbour, and even to Love it self, though inseparably annexed to it; and then judge whether it is safe to trust to it alone, for the Truths of Religion and the Rights of Princes.

The universal Corruption having gradually estranged Men from the sensible Presence of their Creator, and Tradition persisting immovably to maintain the Existence of a first ETERNAL Being, the Author of Mankind, but under different Aspects, as above-mentioned ; sometimes as an indulgent Father, sometimes as a rigid Judge, sometimes as almighty, and sometimes bearing with the Opposition of rebellious Spirits, and the Ruin of his Master-piece ; human Reason immediately set about seeking and forging a thousand Extravagancies, in order to reconcile all this, according to the Caprices and Passions of Men.

If you only cast an Eye upon ancient Idolatry, and the different Forms of Worship that obtained even amongst the most policed Nations,

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tions, the frightful Abuses of right Reason and common Sense, stare you in the Face. The Philosophers, who came afterwards, agreed no better among themselves; some drawing from clear Fountains, others from the Puddles of their own Imaginations, which produced Chemistry's worse than Idolatry itself. In fine, when all Mankind consented in the Existence of an eternal almighty God, there was at the same Time an universal Jarring about the Idea to be formed of him, and the Worship to be paid to him.

As great was the Discord about the Word *Neighbour*: And this Dispute spread its Roots so, that not a few Shoots of it are seen in our Days. One sets out with asserting, that to be a Man, is to be a Neighbour; and another knows no other Neighbours than those of his own Religion; others again will have Country, Language, Consanguinity, Friendship, Favours, to be its constituent Parts: In general, he is our Neighbour, who can be made to turn to any Account; and, as for any others, an Alms is all their due.

MANKIND has ever been compounded of worthy and religious Persons, of Friends, Parents,

Parents, and Brothers, on one Hand; and on the other, of Villains and Libertines, of Espies, and Traitors, besides Millions whose Characters are unknown. All these cannot be said to have the same Claim to our Affection: To refuse it to some, would be Injustice; to grant it to others, Superdity. But what is more perplexing, the same Men often shift from one Character to another, whilst others never change. It is to no Purpose to bring these Cases before Reason's Tribunal: We shall still be as deficient in the Theory, as we too generally are in the Practice.

But the most extraordinary Circumstance is, what we shall remark relatively to Love, a Sentiment which all Men equally partake of, and not, liable one would think, to any Abuse from Understanding, as it needs only to reflect upon itself. Now, every Man, when he loves, is pleased with loving; and the inward Satisfaction which he feels, immediately fixes his Thoughts upon the beloved Object, in whom, by this Contemplation, he discovers or imagines fresh Beauties, which strengthen the Attachment, so that every other Idea is troublesome and disgusting. In this State of Passion, nothing delights us more than to be talking with

with others of the beloved Object: To talk with it, is Transport. Without Love, Conversation droops; we prefer Solitude to it, where, contrary to the Dramatic Laws, the Lover frequently indulges himself in Soliloquies.

BUT this is not all: There is no Satisfaction, but in doing what is pleasing to the beloved Object; and we think it can never be too much esteemed and honoured. Others must also come into the same Behaviour, and if any will not, he cannot be our Friend: But he who presumes to do the contrary, his Blood must answer for such Brutality. If it be the Lover's Misfortune to displease the Object, he does not offer at any Excuse, but pleads guilty, and omits no Reparation: It often proves an Occasion of redoubled Marks of Tenderness, which are carried to singular, and sometimes deplorable Excesses. Next to the excruciating Apprehension of not being beloved, the main Fear is to offend.

THIS, without any Help of Poets or Philosophers, is a plain Description of Loving; and possibly there are not many Men, who at one Time or other have not felt the Truth of it: Yet ask the Generality of Men what Loving

Loving is, and you may expect a thousand futile Answers. The Majority will be sure to tell you, that it means no more than the animal Act of Generation: Others say, that it is to do no Harm: With others, it is to do some Good, to shew Civilities, and pay Honour: Some again make it consist in Flattering, Carelessing, Lying, sticking at nothing low, ridiculous, or even criminal, to divert or gratify them, in order to insinuate ourselves into their Favour, and then make our own Advantage of it. In a Word, loving others seems no more than loving ourselves. Every one owns, that he does not love his Wife, as he does his Neighbour; nor his Neighbour, as God: But, if the Distinction is required, they are put to a Stand, or make bungling Work of it.

C H A P. VI.

IT is inconceivable, that, after any Kind of Reflection on the Premises, a Man of common Sense can lay any Stress on human Understanding, as the sole Judge of Religion and the Rights of Monarchs. That the

Worship of God, and the Love of our Neighbour, are the solid Foundation of all Law and Justice, is an universal Sentiment: Yet, from what we have observed, this Foundation is left to human Understanding, and the frivolous Ideas it forms of Nature when it loses Sight of divine Revelation and natural Tradition, appears to be quite hollow and tottering.

Without this Supreme Law, Mankind will go blundering on about the Rights of Princes, as they have done in Marriage and all the other human Duties. The great Philosopher *Plato*, even after drawing from a good Spring, has nevertheless given into the abominable Extravagancy of a Community of Wives in his Republic. If *Lycurgus* has not made quite so free with Marriage, he has entirely confounded and extinguished in Maidens all Ideas of a just Pudicity. *Minos of Crete*, who was in such Reputation for Wisdom, had shewed them a Pattern in the Community of Children, thus abolishing the Rights and Natural Tenderness of Parents. Such are the wild Fruits of this so much boasted Tree, without the Culture of Revelation: For these Sages did

did not want plausible Reasons in Justification of their Institutes, known to the world

It were no great Difficulty to make the like Remarks on many other Articles; and to prove, that, *considering Man either as created by God, or as endued by his Creator with certain corporeal and intellectual Faculties, of which the Effect is very different, according as he uses them, or, in fine, as inclined, or even necessitated by his natural Condition, to live in Society with his Fellow-Creatures;* if these three Relations be left to the particular Understanding of every Individual, *quot Capita, tot Sententias,* will eternally be the Case. If the Decision and the proper Limits of each are to be referred to some rather than others, an authoritative Tribunal must after all be recurred to, capable of over-awing private Reason. No sooner does Reason set up to be its own Guide, than it is necessarily bewildered in an immense Ocean, driven to and fro by Opinions, Passions, Interests, and human Prejudices; Winds indefatigable in their Violences, ever productive of Storms, and never wafting the adventurous Bark into a safe Harbour.

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THEREFORE, it will not be foreign to the Work to set down, with all possible Conciseness, the natural Institution of Political Governments, abstractedly from all arbitrary Invention, but by a Law of Necessity imposed by the Creator, after he had prescribed the Form of Generation, and of the Increase of Mankind. Human Understanding is destined to know it at the first Overture; and Reason is to seek it in a true Tradition, and to combine the Dispositions, Events, and Consequences, in order to judge of it according to the Principles of supreme Equity, of which the only Source is Divine Revelation.

ALL Mankind being the Offspring of one single Father, on whom a Superiority over his Wife was soon after formally conferred, &c. it is not to be doubted, that he took Care of his Children, and provided for their Subsistence and Education. It was he who at first ruled his Family: His Companion, having the immediate Command of her Creator fresh upon her Mind, to be obedient to him, is not to be supposed to have thwarted him so soon: If ever any such Thing happened, it must have been afterwards.

The Blood of evilemens to

THE Government of One is what the *Graeca* have termed *Monarchy*; and the Word imports no more, whatever Distinction was afterwards broached of the *Monarchical* and *Patriarchal* Government. The Patriarch, it is said, was Ruler of his Children, only as being their Father. This the Monarch is not naturally. But, the Patriarch having no less Power over his Domestics and Slaves, though none of his Issue, this supposed Distinction or Difference immediately vanishes.

In all the antediluvian Ages there is no Appearance of any other Form of Government than the Patriarchal, not even among Cain's refractory Descendants. After the first universal Catastrophe, Noah remained the only Father, and a second Root of all Mankind. He had three Sons and fifteen Grandsons, each of whom left a numerous Posterity, continuing together in the Plain of Shinar till the fifth Generation, when the Confusion of Languages obliged them to disperse.

This prophetic Phænomenon admirably points out, that, whenever Mankind pretend of themselves to hold a general Meeting for any

any important Deliberation, there must necessarily follow a Confusion of Tongues, and that by the Contrariety of Opinions the Enterprize will come to nothing. Since that Thing, in Effect, no such Thing has ever been proposed; and now it is become as impossible, as it is useless and irregular. Even the renowned Council of the *Amphictyons* in Greece, though but a petty Province, never found their Resolutions good in the Sequel. To prescribe what is fit, possible, and beneficial to Mankind, is the Concern of the Almighty, who knows what he made in Man, what his Wants and Capacities are, and in whom Tenderness and Power concenter.

NOAH living 350 Years after the Deluge, and according to the Hebrew Text, which I greatly mistrust, the Dispersion falling out, at most, but 130 Years after this Delagation, this Patriarch must have seen his Children separated 220 Years before his Death, and his Government suddenly so curtailed, that only a very small Portion must have remained to him. Though the Improbability of this Account be perfectly corrected in the *Septuagint*, Prudence forbids bottoming upon a controvertible Fact: Therefore I keep to what necessity.

CHAP. VII. of Political Government. ¶ 4

necessarily happens in other Days by human Generation ; having once for all laid down a primordial Patriarchal Government, from which we shall manifestly deduce all the different Forms of political Governments that have stood firm. The Invention and Reasonings of Men have often been for trying Experiments, which have as often failed ; and at last they were forced to recur to what the Creator had pointed out in Nature.

¶ 5. Of the original Government of the Human Species.

CHAP. VIII.

LET us at first suppose, that a Patriarch had ten Children, and each of these as many ; so that the whole Family consisted of a hundred and eleven Persons, all married according to the Law of Nature. Let us further suppose each of these Grand-children to have ten Children, the whole Family being thus increased to eleven hundred and eleven Persons, all issued from one single Father, still continuing to rule, as Head of the Family. In fine, there was no Impossibility that, at the Origin of the World, the same Father might see all his Great Grand-children married,

married, and each to have begot ten Children; so that, under his Eyes, his Family increases to eleven thousand one hundred and eleven Persons, and as many Women, making in all twelve thousand two thousand Souls; the more or less, does not affect my present Design.

It is sufficient to know and acknowledge, that the only first Father was to govern his Children, according to his Knowledge and natural Tenderness, which is observed to increase in descending. I doubt whether it will readily be allowed, that the good Patriarch had the same Authority over all his Great Grandchildren, as he had at first over his own Children in their younger Years: I am myself inclined to think he willingly admitted the immediate Fathers into a Share of the Rule over their rising Generation: Their Counsels and Persons were doubtless a Relief to his now decrepid Age, which must have sunk under the Burthen of Government. But, though dealing thus with his Children, who will affirm that any one would dare to oppose an express Command of his? Had one been a Rebel, the rest would have adhered to the filial Respect and Submission due to their common Father, which comes to the same Thing.

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At length the good Patriarch dies ; and perhaps he had before entirely divested himself of all public Care, to indulge an infirm Age in the Tranquillity of Retirement. However it be, here are his ten Children, all equally Brothers, and Heads of as many Families, still associated, and from their Birth accustomed to live together, and to govern their Posterity, in a general Harmony and Correspondence. If some of them had taken a Diltaite to the Maxims of their common Father, and thrown up all the Advantages of the Society of his Brethren ; it is not to be supposed that the Majority, would do the same, and set such an Example of Giddiness and Disobedience to their own Children and Descendants.

Thus I presume to have shewn, that eight or ten Fathers, each of them having a Posterity of two thousand, continue together at the Head of their Families, which together made a numerous People : Now, this Association could not subsist without the Observance of the Maxims of Concord and Society, a Concurrency in the same Views, and an Attention to the Comfort and Welfare of all the Community.

But

BUT as, to the infinite Damage of Society, the wisest Principles, the best-concerted Regulations, are too often overthrown by Accidents, common Concerns frequently arising, Meetings were of Necessity to be held among them, where the most salutary Opinion was to turn the Scale. Now, here's a political Council assembled by the pure Dictates of Nature, where methinks, I hear the fraternal Speeches on the several Incidents, the best Measures, the Detriment of some, the Advantages of others, Objections refuted, and Proofs enforced; their Father's Example the only Precedent, his Maxims the only Authority. This is the only Code, the natural and primitive Authority, that could, be quoted without any previous Convention to settle its Authenticity, and pass it into the Body of Laws. This necessarily flows from the Form of Generation, and the Multiplication of Mankind. 'Tis only after Nature that Art comes; and all that can be required of it is, to imitate its Predecessor. Very often the Copy is not comparable to the Original, with all its Imperfections.

DURING the Continuance of this upright Fraternity, the eldest of the ten Brothers dies, leaving

leaving ten Children. What's to be done now? If all his ten Children are admitted into the Regency with their nine surviving Uncles, that would destroy the Equilibre, as the Nephew-Family would have a Vote more than all the rest put together; so that Nature would lead them to call up the eldest of the Nephews into the Council of State, as by Age and Experience best qualified to sit in the Council of the Elders, and by Primogeniture the legal Representative of the eldest Branch of the Family. Thus is the Right of Seniority indicated from Nature itself; and Revelation has not been wanting to take Notice of it. Here we see, in the Beginning of Things, a Chief set up by Nature, and a Subordination naturally acquiesced in, for the Good of Society, among the Members whereof there was originally a perfect Equality. In fine, here is a Ruler and Subjects, and a Beginning of the natural Hierarchy, founded entirely on Age, according to the plainest Import of the Word, without the Intervention of any human Scheme.

To go through with this Prototype: Next dies the second Uncle; and the same Reasons, the same Principles, and likewise the same

same Persons subsisting, the same Rule may be thought to have taken Place; and so to have continued at the Demise of the third, fourth, and all the other Uncles, even to the last: Then the hundred Nephews, none of their Fathers being now alive, enter upon the natural Rights of Paternity, and, consequently, are empowered, if they please, to erect a Senate of a hundred Persons, or to continue the Administration in the Hands of the eldest of their Branches, if they should find Things prospered under their Conduct.

Which is most probable, I shall not determine: To me it is sufficient to have exhibited, and from Nature only, a natural Monarchy and Aristocracy; the one always a little mixed with the other, and mutually assisting each other for the public Welfare: For, if the Assistance of his Children was necessary to execute the Commands, or share in the various Functions of the first Father; in like Manner, upon his Decease, his Children, for the Order of their Society, and to preside in their Councils, must have elected a Chief or Magistrate, whose Age or personal Merit intitled him to that Preference, and have lodged in him a suitable Authority.

C H A P.

C H A P . VIII.

HITHERTO there originally appears no Trace of any other Kind of Political Government than the Monarchical and Aristocratical; whether elective or hereditary, is no Matter; that does not alter the Form: But that Deliberations without Appeal belong to all the Heads of Families, or to all the Citizens, and to the Commonalty, is such a Source of innumerable Mischiefs and endless Confusions, that a Society must be extremely hard put to it, to take up with such a Re-source. *Anacharsis* has passed a Verdict upon Democracy, no less just than *Laconic, Wise Men propose, and Pools decide.* Democracy even seems a Contrariety to Nature; it being little probable, that all the Great Grand-children, though Heads of their particular Families, would offer to set up for themselves, as Equals to their Fathers, as intitled to, and capable of Government. Yet all this would have been no more than Democracy.

But

§³ *Essay on the Natural Origin of Cities.* VIII.

But nothing can give a more decisive Knowledge of the true Bent of human Nature, than a Survey of the Form of that Political Government, which has been constantly adopted and followed from its Origin, till the Time of *Thesaurus*, when, for the first Time, the Idea of a Republic appeared in *Greece*. In a Series of near forty Centuries, among all peopled Countries, there occurs no Government but that of a single Person; among the *Habrows* and *Scythians* distinguished by the Name of Patriarch, and by that of King in every other Nation, though Sovereign only of a little Town.

The Republic of *Crete*, as it is called, instituted by *Mino*, was in a Reality no other than a Monarchy, assisted and strengthened by a Council and Senate; like the Government of *Lacedemon*, or the Plan of *Romulus*, who to his own Regality added a Senate. Is it possible, that, in near four thousand Years, it should never come into so many Political Heads to institute a Republic; and that at last, in order to it, Monarchy was to be exploded, by the horrible Catastrophe of a hundred petty Tyrants? And even this was brought about only

only in a Corner of Europe : The other three Parts of the known World never imagined any such Thing. A great deal more of the World has since been discovered, but still these new Discoveries afford no Sign of any Government but the Monarchical : So that, from Tradition and ancient Examples, it must be allowed, that Mankind was never furnished with any Thing better.

NEITHER must it be omitted, that Republics were never lasting; that they are kept alive by Art; that there is not one of them which would not have fallen to Pieces, unless patched up by lucky Events and frequent Changes and Amendments. Without these Aids, they would have appeared in History only as fleeting Meteors. A little Attention to *Athen*, *Rome*, and *Venice*, will force us to acknowledge that their Duration was not only in Appearance; the essential Form of all their Constitutions underwent Changes from Time to Time, which kept them upon their Legs for several Ages. Many others are but a sudden Flash in the Records of Time. That of *Genua* has been shaken by a thousand Convolusions; it has rung all the Changes of Government; and, if it has not been utterly over-

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overthrown, it may thank its Situation and Extent. Let the Dutch and Switzer Republics of the latest Date, produce different Examples, if they can.

INDEED, a mighty Power is made about the Hebrew Republic, as if it was instituted by no less a Person than Moses, in his Appointment of the seventy-two subaltern Judges in the Wilderness, by *Jethro's* Advice. Though God was pleased to give his Sanction to this Magistracy, as a Relief to *Mosher*; yet his Will is clearly signified by the Succession of Judges, and the Prediction of the Kings, who were undoubtedly a Part of the divine Economy, *before the Foundation of the World*. But what becomes of this celebrated Hebrew Republic, when, upon consulting the Book of Truth, it shews us an almost uninterrupted Succession of Judges, at their own Will and Pleasure declaring War, heading the Army, making Peace, summoning the People, judging without Appeal, not elected, nor installed by, but independent of the *Sambardin*? Is this to be called a Republic? The Premises were so convincing to *Florius Josephus*, that he, thinking none of the Names used among the many names of Religion could possibly fit into the Hebrew Republic, said

other Nations worthy to be applied to the primitive Hebrew Government, makes no Scruple to call it a Theocracy; an Appellation quite new, and without a Precedent among other Nations: Yet he supports this Peculiarity with irrefragable Arguments.

All which shall be discussed in another Place, to the best of my Capacity. At present it is enough to have demonstrated, that Mankind, in a Succession of near forty Centuries from its Origin, never knew of any other Political Government than Monarchy; and that, amidst the Excesses, Cruelties, and Tyrannies of many Monarchs, no Change of this Form was ever thought of, though the World did not want Persons of consummate Prudence, and excellent Philosophers among the Chaldeans, Egyptians, Persians, and Grecophyঃ.

WERE I to give Way to the Impulse of human Reason, which by itself I can by no Means trust to, I am persuaded it might be demonstrated, that were all Men as perfect as Angels, yet no other Government than the Monarchical could suit them; and the nearer they are to Perfection, the more suitable that

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Form : If Aristocracy for a while obtains, it must be from a Failure of Monarchy, or to assist and ease the Sovereign.

By these Sentiments, I neither mean to offer Incense to the King my Master, to do Honour to my Country, or decorate the Memory of my Aristocratical Ancestors: At the first Appearance of divine Truth on the contrary Side, I would lay them at her Feet: But there are no other than her own Declarations in the Order of Nature, and universal Tradition, and further confirmed in that Revelation, which is received by all wise and good Men.

CHAP. IX.

NOTHING is of more Force to prove

the Government of a single Person to be of divine Establishment, than an Examination of the Contrivances of human Reason to depreciate it: The Attempt has not only always been baffled; but its restless Opposition has equally manifested its own Weakness, and the supernatural Power with which God both invests and supports Monarchs.

HERE

HERE is an Epitome of what the most crafty Adversaries have been able to produce, in order to persuade the World that the Government of a single Person is not calculated for Society. I myself, seduced by Family Prejudices, and the Aristocratical Maxims of my Country, formerly had a Tincture of this Error. I owe my Recovery to illuminating Revelation, which brought me to a just Reflection on the Disorders and Calamities, which necessarily attend all Republican Polities, upon the first Relaxation of the most rigid Observance of the Laws.

No sooner does the Family and Posterity of a Father increase, says one, than Nature itself suggests to him, that his several Duties to his Grand-children cannot be answered, unless his own Children, Servants, even Strangers, as Preceptors, are called in to take Part of the natural and necessary Cares, for the Maintenance, Direction, and advantageous Education of his Posterity; otherwise, his Grand and Great Grand-children would want Education, and Maintenance too, both depending on an exact Order, a proper Distribution, and a continual

Knowledge of every Individual's particular Wants. If a Father alone be unequal to these Duties, much less can a single King attend to the innumerable Concerns of a People. *Quoniam mis probat, nihil probat.* Every Father who has but common Sense, satisfactorily discharges all his Duties with any small Assistance; and every wise Sovereign, with a little more Assistance, does the like: So what becomes of this Argument?

Burr, adds another, to provide for the necessities and Conveniences of his Family, is not the whole Companie of a Father's Duties? He is to instruct, encourage and reprove them, both by Word and Example. Now, when Old-Age comes on, how fit is a Father for all this, in which troublesome Assiduity and bodily Labour is called for; when he stands in Need of Rest and Indulgence?

Allow him to be in the Vigour of Life, and of a healthy Constitution, still is he not a Match for such a Multiplicity of Calls? There is no holding out long under perpetual Labour and Solicitude. However, Nature inclines a Father to grapple with those Difficulties, which

the strongest minds shrink from. Villains are

stronger

are also considerably alleviated by the Sweetness which parental Fondness finds in the most industrious Provision for Children ; and they, together with the Grand-children, have a natural Principle of Dependence and Submission, inclining them to a ready Obedience to all his Directions. A King, it is said, has no such Helps; there is no natural Tie betwixt him and his Subjects, and what Care he takes of them must arise from interested or moral Considerations : But, what is still more, be the King's Intentions the most gracious, his Measures the most salutary, the Subjects will be dreaming that Encroachments on their natural Liberties are intended ; and this, together with the self-interested Views of Individuals, will always produce some murmuring or Opposition.

In fine, urge some, how many Princes, who, upon their Accession to the Throne, have determined to behave like true Fathers to their People, have yet been the Dupes of all their benevolent Intentions ? And, after no long Trial, these Fathers, carried away by a kind of Necessity, annexed to the Impropriety of their Station, or misled by Ministers, are seen gradually to make *their good Pleasure* the Foundation

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Foundation, Measure, and Law of the Ac-
tions, Honour, Property, and Life of all
their Subjects.

This is no more than what the best Monarchs in the World must at last come to: All Monarchy degenerates into Despotism, as the soft modern Term is; or into Tyranny, according to the Expression of the middle Ages. The Greeks, in their noblest State of Virtue, indiscriminately gave the Name of Tyrants to all Kings, whether lawful or Usurers, whether good or bad. It is said, that Monarchy does not lay a Coercion upon Kings, and bind them to a good Behaviour; but that all depends on natural Disposition, or the Circumstances in which a Prince may find himself.

Without dwelling on a Confutation of all these Paralogisms, I shall only observe, that all this has not hindered the Continuation of Monarchy: And, if in some Place it may have been interrupted, that Example cannot be put in the Balance against the other Parts of the World: And even where the Republican Government had taken Root, soon or late it was found necessary to return to Monarchy.

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LET it not be said, that this was brought about by some external Violence, Republics, confessedly, having brought on their own Ruin ; and their intestine Corruption has been a Handle to Foreigners for their final Demolition : For, as we have beforementioned, an Aristocracy may very well be a real and good Government ; especially when built on the wise Foundations of the *Venetian*, where the Excellency of its incomparable Laws seems to forbid any Apprehension that it should ever become extinct. Whether considered in the Perfection of its Political Maxims, or in the Arrangements to consolidate its Perfection, it must appear a Master-piece, as we shall have Occasion further to illustrate : None of the most antient Republics can be said to come up to it. And here we cannot sufficiently lament the Weakness of human Nature, which is not able to prevent such Negligences and Defects from insinuating themselves, as in the End are productive of the greatest Misfortunes : And the Remedies are so violent, that the Application of them is equally difficult and dangerous : An Alteration in the Form of the Government never

Now, Monarchy has nothing of this Kind to fear ; it knows no such Paroxysms. Upon the Death of the most execrable Tyrant, it is only filling his Place with a worthier Successor ; and every Thing is again set to Rights, without any Prejudice to People, or Government. And this I may set down as one of the greatest Advantages of monarchical Government.

C H A P. X.
IN the foregoing Reflections, it is far from my Meaning, that human Reasoning is to be absolutely rejected ; for it is by this same Reasoning that I have acquired all this Knowledge, and been enabled to throw it into a coherent Discourse. But, at the same Time, I think, we should be taught by what we have of it, that it is not to be trusted as sole Guide and Arbitr^r; as, there is always

CHAP. X. *of Political Government.*

always too much of the Pro and Con in it.

Do not we see, that, after spending ourselves in long-winded Ratiocinations on human Society, its Institution, and Appendages, some cannot perceive any Warrant for Monarchy, whilst others are all for it, and imagine it to include as much Happiness as can be our Portion. Ask both these Parties, and, though diametrically opposite, they will say, they have carefully weighed Things in the Balance of Reason : Thus, as in War, they both fight with the same Weapons, but can never be sure of Victory, that depending on Skill, Dexterity, Courage, and Accidents. Nor is Victory itself a sure Mark of the Justice of a Cause ; this being of no manner of Weight in it : And I may safely affirm human Reasons to be the Arms, with which Nature furnishes Men, almost at their Birth, to defend themselves, and on Occasion, by a prudent Attack, to prevent the Incursions of any, who might attempt to force the Banners of Justice, in order to annoy us.

EVERY one has the like Arms, though
not all of the same Temper: Some also are
polished

polished and ornamented; others quite plain, and even rusty; and these in different Degrees: But it is the strong Arm, the warm Heart, the cool Head, and especially the dextrous Hand, which gives the Superiority: Yet is not this at all declarative of Right, Justice, and Equity: It happens but too often, that an awkward Reasoner shall foil the most sensible Man, by the Help of Prejudice, Calumy or Authority.

THOUGH the Doctrine of lodging the Government of States with the People had never been advanced, it was very natural, that some of the innumerable Positions, which the learned modern Civilians have laid down as the Basis of all Polities, should look that Way: Yet is its Absurdity at once palpably laid open by this single Reflection, that it is like Trusting the Children with the paternal Prerogative: And was there ever such an Incongruity? I am very well aware, that they will rack their Brains for Scholastic Distinctions, as Subterfuges against the invincible Gripe of Truth: But all their pitiful Artifices betray the Weakness of their Cause.

ANOTHER DILEMMA, WHICH I AM GOING TO TALK WITH YOU, IS THIS:—
WHAT CAN WE DO WITH THE MASSIVE
ARTICLES WHICH ARE TO BE FOUND IN THE
LAW BOOKS OF THE VARIOUS STATES?

MANKIND began in a single Father, whom Nature taught to govern his Children, at that Time the only People in the World, and to whom Oeconomy was no less necessary as a Father, than Politics as a Sovereign. Before this Father died, the Family grew infinitely augmented, as it was to people the Earth. His Children found it necessary to separate; and then, a general Government becoming impracticable, several particular ones were to commence on the same Plan, the Separation being by Families under their natural Heads. If then the Doctrine of a popular Sovereignty might take Place in the present Times, as the essential Basis of all Political Government, it ought, by a Parity of Reason, to have obtained in the first Ages of the World: And consequently the Children were the natural Depositories of the parental Power over their own Fathers. How extravagant and absurd is this!

If even Nature, in this Case, was to be thrown aside, and Violence and Corruption, which have indeed made strange Havock of it, called in, it would not mend the Matter a whit: For, should an ambitious Conqueror be enabled

enabled by Success in War to play the Tyrant over his Neighbours, will it be said, that then the Sovereignty resided in Slaves ? Now, what History informs us of any other Political Governments than the abovementioned, both alike dissavourable to Democracy ?

PASSING over at present the Transaction of *of Theseus at Athens*, I observe, that the Children, as well as Slaves, are said, by the untimely Death of a Father, or the Murder of a Tyrant, to be reinstated in their natural Right and Independency : Reinstated in what they never were in Possession of ! Possibly, other Rights may be acquired, as by Donation, Contract, or Conquest : I would fain know, what these have to do in the two supposed Cases : The Relation is, I own, past my Comprehension. I see, in the primitive Church, the People, jointly with the Clergy, chusing their Bishops : But who ever imagined the episcopal Power to be originally in the People ? I see *Moses* ordering the People to select six Men out of each Tribe, for constituting seventy-two Judges under him ; but I do not in the least perceive that every Individual of all the Tribes had a Right to be his own Judge after this Election. What can be answered

Answered unto Numb. xii. 25. And the Lord came down in a Cloud, and spake unto Moses, and spake of the Spirit that was upon him, and gave it to the seventy Elders; — did not distribute it among the People.

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C H A P. XI.

LE T me be allowed a further Examination of this Delusion, as it is not without its Palliatives.

NOTHING is more common than Ha
ranges on the equal Portion of natural Liber
ty among Men, every Creature of a human
Shape having its Contingent: Yet, if it be
asked, In what consists this Liberty? All the
Answer is, in determining his own Will by an
inward independent Principle: But this their
only Answer is very exceptionable: For to
what Purpose determine the Will to act, or
not act, or be passive, if Power and Ability
be wanting? And this being too often the Case,
every Man might fall into the Madness of willing
an Impossibility; whereas, to avoid Folly and
Misery, it is what is feasible and lawful; and
nothing

nothing

nothing else, whereby the Will is to be determined.

NEVERTHELESS, some Authors obstinately maintain, that human Nature actually has this original Liberty; and I allow it, if taken in the following Sense: What I am going to say may be looked upon as a wild Flight, and, perhaps, a forced Application: But a little Familiarity with Truth cannot fail of bringing the Mind to an Acknowledgment, that the only Liberty of human Nature is a Capacity to partake of the Divine Wisdom, which alone is by its own Nature free, as knowing and doing whatever is good and amiable. *If the Son shall make you free, ye shall be free indeed,* John viii. 36. This Son is the same who, *Proverbs* viii. 15, is introduced, saying, *By me Kings reign, and Princes decree Justice:* And here's the Reason; *Confest it mine, and found Wisdom; I am Understanding, I have Strength.* This only is Freedom; all the rest is but mere Illusion, as shall be demonstrated.

No human Creature can be free at the Instant of his Birth; nor can he be so in his Infancy, as he is then totally ignorant, or can make

make no Use of this inward independent Principle to determine his Will. If a Child wills any Thing, it is from Instinct, or the Suggestions of his Nurse. When advancing towards Manhood, all his Acquirements must be from Education and Reflection, if he has attended to the Rules, which should have been taught him either traditionally, or by Word or Example. It is thus only, that this boasted Liberty is to be acquired: It is rather belongs to human Nature, than ~~is in~~ inclin'd to, and capable of partaking of it, by a Knowledge of the Truth, and the Impression of the Power from on high; and this manifests itself in virtuous Habits.

LET Mankind be considered in the State of Innocence, as well as in the State of Virtue, and the Case is still the same in the main. Here lies the essential Difference of these two States: In that of Innocence, every Thing concurs to make us wise and virtuous; so that it is only giving Way to natural Spontaneity, and we meet with no Obstacles: In the corrupt State, Obstacles crowd upon us at every Step; it is all a toilsome and craggy Ascent; there must be Self-denial, Vigilance, and Conflicts; and so far from being animated and

and seconded by Nature, we labour under a perpetual Opposition, and our Efforts cannot but be damped by a Sense of our Inability.

WHOEVER is not for deceiving himself, must acknowledge that Man, in his present corrupt State, if left alone to himself, will infallibly reduce himself to a Condition much worse than that of the Beasts, as he is surrounded with a thousand Wants to which they are Strangers, and destitute of the Means of supplying them by himself: These Wants can be answered only in Society, which also at the same Time increases them to a Degree beyond what it is able to satisfy, though sufficient for all the Calls of Nature. Is this the so much magnified natural Liberty? Take away Wisdom, Mankind are Slaves; and the greater their Darkness, the more severe their Prison, the more indissoluble their Chains: And the Child, though an Heir, differs nothing from a Slave, whilst he wants Knowledge and Strength; for it is that only which gives Liberty.

STRENGTH must by no Means be separated from Knowledge, in order to be free indeed: For he *who increaseth Knowledge, increaseth his own bus*

CHAP. XI. of Political Government.

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transcrib Sorrow, Eccles. i. 18. What indeed is more painful than to know what should be done for our own and the common Good, and yet see ourselves without any of the Means to act according to our Knowledge and Inclinations? Hence it is, that Patience, Meekness, and Long-suffering are the Virtues of the Wife, who know, at least, what is fit for themselves and others, though they want Strength and Means to perform it.

It is therefore undeniable, that they who with the most comprehensive Knowledge and justest Sentiments, are best furnished with Means to act according to their Knowledge, are most free; and, farther, from such a Superiority, acquire a natural Right to direct the Weak and Blind among their Fellow-creatures. Now, who can compare with sovereign Princes, in Means to accomplish their Knowledge of what is fit, good, and advantageous? So that their Institution can be no other than divine, to promote the Happiness of a Nation, and bring them, as near as possible, to a State of Perfection.

THERE can be no Difficulty in owning, that nothing is further from being common among

among Men, than this Knowledge and Power. Corrupt as human Nature is, can any Thing more be expected from one than another? I presume to say, that to form a true Monarch, and continue him such, there must be something Supernatural, though the invisible Hand often makes Use of Means apparently natural.

How has the Emperor *Justinian* been treated for this Position in his Code, where, speaking of the Emperors, he says; *God has subjected the Laws to Monarchs, having sent down upon Earth a living and animated Body of Laws.* From what is, perhaps, only the Fault of a Transcriber, that Emperor is charged with an Impiety, as meaning, that God, in the very Persons of the Emperors, had sent an animated Law among Men. This is a most disrespectful Spleen against a Prince who abounded in good Qualities and eminent Endowments; when, as to *Nero, Domitian, Heliogabalus*, and such Wretches, they never offer to violate their infamous Memories. But, so far is it from any such Thing, that this Position is fraught with the truest Piety, referring himself to the *living Law*, which God, in the Riches of his Grace, sent down among Men in

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CHAP. XI. of Political Government. 1. XC

the Saviour's adorable Person; and the rather, as this living Law agrees with the Expressions of the Councils held at *Constantinople*. The Emperors of the *Ruff* always affected, to be accounted the Lord's Representatives and Vicars; Characters which the Popes of *Rome* soon after found it convenient to assume. How fond the *Eastern* Emperors were of these Appellations, authentically appears in their Mecdals and Ornaments.

Is it not further evident, that God has suffered the Laws to the Monarchs? Are they not to be enforced, explained, amended, and even altered, according to Times, Emergencies, and the Occasions of Men; in a Word, according to Equity? And to whom does this belong but to Monarchs? Is not this the natural Sense of the Word *victoris*, used by the learned Emperor? It must needs be known, that there is an eternal and immutable Law of Justice, the sacred Source and Model of all human Laws, written or oral; and that there is also an Architectonic, which enjoins the proportioning of Justice to the Weakness and Infirmity of Men; and this is the supreme Law of Equity. Now, this human Weakness and Infirmity being continually and successively

equifively changing, there results a Necessity of continual Reformations in human Lawes; to amend, or even abrogate some, to substitute others, and introduce new ones: And who shall make these Alterations, but he who is the Depofitary, the Protector, and the Arbitr of the Lawes? or in other words if I may be allowed to use more familiar terms, Will any take upon them to insinuate, that the People having divifted themselves of the executive, have still referred to themselves the legislative Power? This Proposition is so absurd, as to require no difufe Confutation. Those Civilians, whom their Attachment to natural Liberty has led into it, would be puzzled to prove, that Children, in an equal State of Freedom with their Fathers, could be bound by Laws imposed upon them by their Fathers without their Consent. Is it not a received Maxim, that a Father cannot compel his Children to hard Terms relating to any Possessions not originally derived from him, without a secure Equivalent? But, after all, is this legislative Power equally inherent in all Men? Is it in the Majority? And wherefore? Is it among the wife and virtuous Few? But who is the competent and allowed Judge of Men's Wisdom and Virtue

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Virtue? In fine, these Contradictions will never be at an End, without acknowledging the legislative Power to be a divine Emanation, and entrusted by the Deity to Ministers of his own Designation and Appointment.

C H A P. XII.

NO T but that every Thing, which passes through the Hands of Men, however excellent in itself, is liable to Corruption, and as such to produce bad Effects. This is so true, that the Law itself, though holy, just, good, and necessary, has been almost accounted to be the Cause of Transgression : *The Law worketh Wrath : For where no Law is, there is no Transgression*, Rom. iv. 15. Until the Law, Sin was in the World : But Sin is not imputed, when there is no Law, v. 13. *The Law entered, that Sin might abound*, 20. *What shall we say then ? Is the Law Sin ? God forbid. Nay, I had not known Sin, but by the Law : For I had not known Lust, except the Law had said, Thou shalt not covet. But Sin, taking Occasion by the Commandment, wrought in me all Manner of Concupiscence : For without the Law Sin was dead. For I was alive without the Law once :*

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But, when the Commandment came, Sin revived, and I died. And the Commandment, which was ordained to Life, I found to be unto Death: For Sin, taking Occasion by the Commandment; deceived me, and by it slew me. Wherefore the Law is holy, and the Commandment holy, just, and good, Rom. viii. 7, 8, 9, 10, 11, 12.

Wherefore the Law was our Schoolmaster, Gal. iii. 24. No Civilian in the World has a clearer Elucidation of this important Article: And what has been observed of the Law reflects a strong Light on the Interests of Monarchs, they being of divine Institution, no less than the Law itself.

*LET us then be upon our Guard against the Deceptions of certain Arguments and Positions which the Knavery of some, and the Ignorance of others, have propagated with unhappy Industry, so as to be common in most Parts of Europe: An imaginary Despotism is the continual Cry, in order to run down Monarchy, by affixing to it an arbitrary Idea, which has not the least Relation to the Greek Word Δεσποτα, from which it is derived: Nor is Practice less contrary than Theory to the Interpretation put upon it; and it is not without Reason, that I take the *flat pro ratione**

tiones voluntatis to be no more than sporting with Words, that have no Reality, but are invented to impose upon the World.

If Men have a Will, it is certainly to arrive at last to a State of perfect Happiness: From the greatest Monarch on Earth, to the most abject Wretch imaginable, this is an irreconcileable Sentiment in the human Heart: And all the Difference lies in the Object and Means of our Happiness, in which we may easily be, and too often are deceived. Though the Objects, which our Illusion presents to us, be often no more than Appearances void of Reality, yet is our general Will no less determined by them: But this seductive Determination does not vitiate or destroy the natural leading Principle: The indelible inward Will still prescribes with unwearied Eagerness towards the true Happiness of Mankind, and makes its Way through all Illusions and Mistakes to that great End, of which it has not yet a clear and distinct Idea. When once its Error is removed by some kind Instructor, then is seen what it truly wills, and whither it is carried: By its own Nature, which it can never contract.

and by the author's original actions AND

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AND now is it conceivable, that, when enlightened by Reason, persuaded of the real Object of a perfect Happiness, and sure and easy Means of obtaining it are set before our Eyes, the Will can offer to take another Course? A violent illusion may so far prejudice us against Reason, that, instead of calmly listening to it, we warmly oppose it: But, that we can admit it into our Breasts, own its Conviction, and yet that the Will shall stand out against it, this must appear a manifest Contradiction; and so far, that a Will without some Reason is to me an Impossibility in Nature; excepting that original Will of being happy, antecedent to all human Reflections, and which to renounce is also an Impossibility.

A MONARCH may indeed be ignorant, that he cannot be happy, but in making his People so; and this Ignorance may betray him into a bad Conduct: But the People are much more liable to the Folly and Madness of taking for Caprice and Humour such Measures as are the Result of the most provident Wisdom and Goodness; though it may not be proper to lay the Motives before the Public, as they might not be rightly understood, or the Effects of them prevented. How common is such

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a Procedure betwixt a Physician and his Patients, a Father and his Children, a General and his Soldiers, a Sovereign and his Subjects?

I CANNOT here forbear a Reflection, which having always appeared to me so full of Equity, it is with some Difficulty I forgive the Omission of it in so many other Writers. Kings are not beyond numbering; of all Stations in the World they are infinitely the fewest: So that the Monitors of Injustice and Cruelty may easily be distinguished from the Fathers of their People. After this Distinction, the Remainder, which would be found equal to the other two Classes, are those who are remarkable neither for Vices nor Virtues. The Violent, indeed, have made themselves to be most talked of; human Nature having a much quicker Sense of Hurt or Detriment, than of Affluence or Pleasure: But this Turpitude, which, by being so industriously exaggerated, has raised such frightful Ideas, when viewed through the Medium of Truth, gradually disappears, like the Imagery of a Dream.

It is very seldom that evil Princes are found so consummately execrable, as not to have done many good Things, which by Reason

son of their Enormities have been obliterated; but which an equitable Judge would have brought into the Account: And, on the other Hand, the best of Princes may have been surprized into very culpable Excesses: But the latter is excused, whilst, perhaps, the Moles, hills of the former are represented as Mountains.

AMONG the most savage and barbarous Governments, is there any Comparison to be made betwixt those who have suffered by a Tyrant, and those who have lived unmolested in a cheerful Enjoyment of their Fortunes and Dignities? The Sight of some Victims may have struck the whole Nation with Terror; but that was all the Harm the Multitude received by it. No Tyrant ever reigned long, Heaven having always watched to bring speedy Destruction upon him.

In fine, were Republican Governments fitted with the same prying Eye as Monarchies have been, their Acts of Violence, Tyranny, and Cruelty would be found to exceed those of Tyrants, and to be no sudden Starts of Passion. Among the antient Republics, what Instances of Perfidy, Injustice, and crying Barbarity are seen in

in *Athens*, *Rome*, and *Sparta*? And the few Republics since those Times have in all Things been of a Piece with their Models. Even the History of the most wise and moderate of them abounds with very foul Transactions, especially before the Establishment of Aristocracy. If a certain Work, falsely attributed to the celebrated Father *Paul Sarpi*, was in Reality his, and he was prosecuted for it by the State-Inquisitors of *Venice*, it would be a terrible Evidence of Republican Tyranny : But that Book may well be placed next to *Machiavel's Prince*; both being of the same Tendency, the Work of misapplied Abilities, to bring an Odiuum upon Monarchies and Republics. Happy for the World and themselves, if such Authors had never looked into a Book!

THE END OF THE THIRTEENTH EDITION.

C H A P. XIII.

WERE I to analyse the antient Democra-

tical States, very forcible Arguments are not wanting to prove, that what Virtue ever appeared among them was no more than a Blaze, and that Vice had the Ascendant, unless

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less when a Savage Kind of Rigour for some Time kept the People to their Duty : And this was sure to be attended with Violence and Slaughter, and the Exile of great Numbers of the Citizens. Is this to be called a Government, in which Virtue is the main Spring ? It is even clear from History, that without the Dictature among the Romans, without the Kings in Crete and Sparta, and without a few such as Pericles and Aratus, Republics would soon have brought themselves to a tragical Period.

At least, it must have been a very slender Kind of Virtue that actuuated Republics, since they so ill improved their prosperous Periods. The most lasting Aristocracies have degenerated into an Oligarchy, of all Despotisms the very worst, or into an Ochlocracy, whenever the Senate grew too numerous; for, becoming a Multitude, it sinks to a Level with the Commonalty. Shew me a Republic that has steered a steady Course, that has not run itself on either of these Rocks, or has got a-float again without considerable Damage. It is no small Happiness to have stood many Ages under frequent Concussions; but

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it is what never could have happened to States wholly Democratical.

It must be owned, that, if People be compared to People, and in their most favourable Light, from the most credible Accounts of History, the Palm must be given to the *Athenians*: The most polite and wisest of the *Romans* allow it: And yet this pre-eminent People, though abounding with Sages and Heroes, found it necessary to shift from one Form of Government to another, and with all their Shifts could not long support the State: Its Declension and Ruin were, as in all other Republics, owing to the Prevalence of intestine Corruption: Before foreign Attempts against them succeeded, the Way was paved by themselves.

THOSE Republics who in all the After-ages have best stood their Ground, must not be thought the most virtuous: But, without setting up for Conquerors, they preserved their Liberties by temporising, and, as it were, by compounding with the Strongest; endeavouring to be of Service to all Princes, with the least Charge possible to them; sometimes on one Side, sometimes on another; and always the f

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the first, though with a tolerable good Grace, to withdraw from the Dance, to give Weight to the pacific Side. But this Management, which has not much Generosity and Heroism in it, cannot suit with People who have a lively Relish of their good Fortune, and are inebriated with Ideas of an imaginary Liberty : Such a commendable Moderation is too mean for them : And, thus what Virtues they had degenerate into Presumption, Profuseness, and the other Vices of Prosperity. A Nation of Nobles is like a Nation of Kings, fit only to find a Place in Fairy Tales!

I AND, that, if it be the Knowledge of the Necessity, Suitableness, and Benefit of Laws, in which their Force consifts, it is no Wonder they should be so weak in Republics, where few have either Leisure or Talents for the Discussion of those Points. In order to a Conviction from the Effects, the Laws must be observed for some Time, and then the People may be pretty good Judges of the Matter : But in the Interim, the Laws, being weak, are ill observed, and consequently their Merit remains doubtful. It is this Weakness which so frequently introduces Changes in the Republican Laws, and even in those which seemed the

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Pillars of the Constitution. There's no Stay to the Giddiness of the People, unless the Laws be under the Sanction of Religion. *Lycurgus* employed the Sacredness of an Oath to bind his *Lacedemonians* to the Observance of his austere Laws, 'till by Custom they should become easy. *Mimœ* and *Numa* brought in the Gods to enforce their Plan; and it answered. But the *Albenian* Legislator, imagining to carry his Point by Philosophy alone, had the Mortification to see his Laws come to nothing, even in the short Term of his Life.

In the Monarchical Government the Laws are much more fixed, though in Appearance depending on the Pleasure of successive single Persons, who seldom happen to be of the same Judgment and Disposition: Yet by that the Sovereign and his few Ministers come to have a better Knowledge of the Fitness and Utility of the Laws, and protect and execute them with a Punctuality which manifests their genuine Effects. What seems strange at first, is, that most Conquerors, instead of imposing Laws and Usages, have adopted those of the Conquered, thereby almost reconciling them to Conquest. When they were pleased

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pleased to exempt a People from Slavery, they continued them in their Properties, Privileges, and Customs. Wherever the *Romans* sent Colonies, they introduced their Laws, and prevailed on the most opulent Cities to receive them, by the alluring Offer of the Honour of being *Roman* Citizens; which, however it might serve a present Turn, was of no lasting Advantage to their Empire.

For my Part, no Virtue can I perceive, except in the Legislators and the Interpreters of the Laws, whether in Republics, Monarchies, or Despotisms; I find the People's Submission every where depends only on Religion and Custom; the former persuades us of its Necessity, and the second makes it easy. I dare not search into the inward Parts of some Nations, who seem in great Favour with the Author of the *Spirit of Laws*: But it is not very clear, from the History of *France*, that Parliaments have much contributed to the Quiet and Welfare of the Kingdom; and modern and antient History makes those of other Nations to have acted no better Part. In fine, the nearer the Approaches to a popular State, the more Inconstancy, Confusion, and Animosity: Their Happiness

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pines lasts but for a Season. In the forming of an Orchestra, there is always a Choice of the most exquisite Hands; yet, the more it consists of, the more Danger there is of frequent Dissonances.



C H A P. XIV.

IN Republics, both Rewards and Punishments are very unequal and uncertain; the most common, and, as such, the most dangerous Faults, are seldom or but slightly punished, the People apprehending it may be their own Case: And Crimes, of which only a few abandoned Villains are susceptible, are punished with excessive Atrocity, as what the People conclude they shall never be guilty of. Now, in Punishments Cruelty should have no Hand, for thereby Abhorrence is turned into Pity; and a civilized People has been known more than once to suppress the Horror of the Sight by releasing the Criminal; and the Barbarians being habituated to it, the Example loses its Effect. That in Monarchies it is quite the Reverse, I appeal to Experience and History.

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As to Rewards, the People always grudge them, from a low Conceit that what they give to others, they deprive themselves of : They are, besides, little inclined to make any considerable Distinction among their Body ; Equality being their favourite Maxim. They unreasonably magnify the Duty to one's Country, to palliate their Disregard of the most he-roick Actions. At first they are ravished with them ; but in a Day or two their Extasy turns to Coldness ; for they know no Mean. He who would not risk his Life for the People is a Traitor : When the Risk has been made, and with singular Success, talk of Recompence, the Republican Answer is, Was it not his Duty ? If there's a Misfarrage, you are a Blockhead, and you must take it for your Pains.

It was in the democratical Republics that was hatched the *Stoical Principle*, that the Satisfaction of performing prae-f-worthy Actions ought to be its only Reward ; that any additional Recompence degraded and weakened it : A poor Excuse for Ingratitude ! Are we taught any such Thing by God in his Doctrines or his Deal-
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ings with Men? If ever he delays rewarding what is yet no more than our indispensable Duty, it is in order, by rendering the Person more virtuous, to fit him for a greater Degree of that ineffable Glory which he has in Reserve for him; and this, though the Disposition, Talents, and Accomplishment of all virtuous Actions are derived from Him, the inexhaustible Fountain from whom every good Gift is derived. It is not the less a Point of Justice among Men: For, if from your good Actions all reap real and durable Advantages, why should not all who are the better for it, concur in making you an Equivalent, or at least give some substantial Acknowledgment of the Benefit? Praises, Honours, and Advantages ought by no Means to be withheld from those exalted Actions, by which nothing less than the Safety or Happiness of a whole Nation is decided: And, as the happy Consequences of them reach to posterity, so ought the Recompence. This is the true Principle of Nobility among civilized Nations, but which has been infinitely abused; a just Proportion being no less proper in Rewards than Punishments: All Excess is faulty, but in the former it is not so dangerous as in the latter.

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In Defence of your Merit, you will plead, that any other Citizen might and ought, as a Citizen and Lover of his Country, to do what you have done : But, no other having attempted it, and possibly would not have succeeded, your Right to a Reward is uncontested. But whatever Justice there may be in this Reasoning, it does not follow, that, having saved the People, you may oppress them, or have a Right to force a Recompence from them. All your Right is to ask it; and whoever does not, is bloated with contumelious Pride, and manifests a Contempt or Rancour against his Country, and all that is in its Power to give. The least Reward is of infinite Value, when it proceeds from our Country's Acknowledgment of the Obligation. The Virtue of either Side consists in setting a proper Value on an heroic or laudable Action ; to proportion it to the Difficulties, Circumstances, and Consequences, and not to rate it higher. To claim your due, and upon a Refusal to desist, is a Point of Virtue. If the most just Recompence might prove a bad Precedent, and be of pernicious Consequence to the State, it is a Duty, not only to drop the

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the Claim, but modestly to decline the Acceptance. But with the People all these Truths are mere Chimera's.

REASONINGS may be as specious as you please: I will allow them to be even sound and good: But, when contradicted by the general Experience of all Ages, they are no longer worth any Regard. Many Things are just and very advantageous for a Society of Men in a State of Health: But, should a Contagion get among them, these Things would cease to be proper, and the Society would readily concur to abrogate them. The same Regimen does not suit the Healthy and the Sick: And it is no easy Matter to prove, that a large Nation is not a Society, where violent, and very often contagious, Diseases are to be treated. Why Mr. *de Montesquieu* has thought fit to attribute Virtue to Republics, and refuse it to the rest of the World, is past my Conception. The only good Thing in Republics is Aristocracy, which Democracy, and even Monarchy itself cannot be without: For Councils and Magistrates there must be, and these cannot subsist without Order and Choice. Did all the Difference consist in the Right of chusing

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chusing Counsellors and Magistrates, what Government must that be, where the Choice is made by casting Lots? A Practice which is not unknown among both Antients and Moderns.

MAY I presume to assert, that the Political Government of human Society can be but one; and that the threefold Difference, broached by the Sophistry of the *Greeks*, makes no Alteration in the Substance or the People's Welfare? A Tyranny, destructive of natural Liberty, and setting up a succeſſive Slavery among Men, cannot subsist in the World: To bind Madmen, to chain some Criminals aboard the Gallies, to confine others like so many Prisoners of War; these being once acknowledged necessary Evils, are to be no longer looked upon as tyrannical. Perhaps, Mr. *de Montefouïou* will prove, that it is better to take away the Life of an Enemy, than to make him absolutely miserable, and reduce him to the Condition of Beasts: But, for the Remainder, he carries his Reasonings too far, not recollecting, that, in most human Actions, the general Laws, the Customs of the Times and Places are to be complied with. I still return to my former Assertion, that the Sick are to be treated quite

quite differently from the Healthy. The Author of the *Spirit of Laws* always discourses of Men, as if they had neither Vices nor Virtues: It is a great Mistake; the former are inseparable from the Great World; and it is of the Great World that we should speak.

THERE is no more Wrong done to Madmen and Criminals, to bind them with Chains, than to the Barbarians and Corsairs, in putting them aboard the Gallies, where they themselves put all other People. Among policed Nations there might be Grounds to promise one's self, that the Releasement of Prisoners of War would be of no ill Consequence, the whole People being judged to be answerable for them. When nothing remains to fear, you may freely release: And Generosity, when wise, becomes the Duty of all Men of Sense and Virtue; but a rash and imprudent Generosity is only fit for Fools.

It is just the same with regard to Compunction and Tenderness towards Criminals: When by a Series of Actions pernicious to the Public, these Wretches may be presumed incorrigible, and that sparing them, or mitigating their Punish-

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Punishment, would be a bad Precedent, for others to take the same Course, their Life must undoubtedly go, and the sooner the better. The Safety of the Whole requires the Amputation of such Parts as are rotten and infectious: And, if it should happen that an innocent Person suffer, it is not always the Surgeon's Fault. After the Experience of all Human Societies in all Ages, why should we be for innovating on this Article? Could Mr. *de Montesquieu* but govern a People for one Month only, he would quickly be convinced, that his Mildness had imposed upon him: However, this very Thing does great Honour to the Goodness of his Temper.

CHAP. XV.

IN all Kinds of Political Governments, Virtue alone is sufficient for the Establishment and Observance of Laws, whilst Men are Men: But, whenever Men become Children, or fall sick, and much more when they become Beasts, Recourse must be had to Force and Art.

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If the Point of Honour be not a Virtue, it is a Folly beneath any Consideration. Sometimes there are, indeed, Follies so general, as to have a manifest Influence among Men ; as there are even Vices which are sometimes productive of advantageous Effects. Yet these Effects are only temporary, and to repair a greater Evil : For, no sooner is that done, than the Consequences take a Turn, and become entirely destructive ; as is seen in Luxury, which is sometimes of Use to excite a Spirit of Industry, and to cause a Circulation of Money. Now, the Duration of Monarchical Governments through so many Ages, proves that they are founded and supported by something more real than the Point of Honour, which the Author of the *Spirit of Laws* would be very hard put to it to find in all the Monarchies, both antient and modern.

NEITHER do I believe it can admit of a Doubt, but that in the present Despotic States the Subjects in general are in as easy Circumstances, as free and cheerful, as among the Republics : Only put the Question to the *Romans*, the *Russians*, and even the *Turks*. Compa-

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Comparisons are odious, and are too naturally made among Men : But where Facts are contrary to Reasoning, we must abide by the former, and correct the latter.

A GREAT Noise is made about Liberty, as if it was the peculiar Portion of Republics. But it is no more than an Echo rebounding from the Rocks of antient *Greece* : It strikes the Imagination ; but, upon mature Reflection, it is found to be only a large Void. *Venice* is the only Republic I know of, which has given Marks of a Superiority of Mind and Heart, not to be paralleled in any other Part of the World. It is a common Proverb there, that a thousand noble Slaves rule Millions of Freemen. Now, nothing but the greatest Magnanimity can give the Appearance of Truth to such a Paradox.

ACCORDING to the Institution of this-illustrious Aristocracy, the Nobility have never consented to the least Exception from the Laws, even the most burthenome, nor to the least outward Distinction from the other Citizens. The Magistrates and the chief Tribunals of the Government have no Claim to any

any profitable Reward; and that of Honour, which is not always certain, is rated extremely high. Personages illustrious by their Birth, Talents, and Virtue, are ready at any Time to lay down their splendid Posts, which they have deserved, and honourably discharged, to give a strict Account of their Administration even to those who sometimes are but little like them. It is saying a great deal, that Honour alone has at least as much Power among the Body of the *Venetian* Nobility, as Penalties and Tortures in other Places. If this be not the true Point of Honour, what is it? And yet *Venice* is very far from having any Thing of Monarchy in it.

This Body, equally respectable and numerous, (for, as to all the Individuals, among whom many Faults and Corruptions have crept in with Time, I speak not of them) must even have parted with natural Liberty for the public Good. The Nobility cannot so much as dress or be served in their own Houses, according to their Liking and Humour: None can decline the public Service, unless sick, or in Orders: The Government's Command must instantly •

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must instantly be complied with : Business, and Pleasure, Town and Country, all must be left, whenever it thinks fit : And even when you voluntarily take upon yourself a Part of the Government, you must not always depend on its rewarding your Services.

None of the Nobles are allowed to serve a foreign Power, or to seek their Fortune abroad : Nay, they must not so much as go out of the Territories of the State without an express Licence ; which when obtained, is revokable at Pleasure, without any Objection. There is a strict Eye kept on the Acquaintance and Intercourse of the Nobility with Foreigners, especially when they have any Thing like a public Character.

THERE are no Laws from which any one can exempt himself ; and even the State-Inquisitors, though the supreme Officers, in their domestic Concerns are under the Cognizance of the ordinary Magistrates. The least Act of Violence, taking Vent, within a Day or two brings down the Author from his exalted Post, and that for Life. Persons of the most

most distinguished Virtue and Wisdom, with whatsoever Office and Authority they are invested, without the enchanting Arts of Elocution, to soften Envy, or remove Suspicion, must necessarily be borne down by the Majority.

REASON, Justice, Merit, and Dignity, avail nothing against Numbers, who must not only be yielded to, but, as soon as the Resolution is past, there must be a Concurrence with the rest to put it into Execution, notwithstanding any Reluctance, or inward Persuasion of its being Wrong. Was ever Slavery like this? And yet this is no more than what is common to all Republics.

It is quite otherwise for the People. Every one who does not openly abuse the Lenity of the Laws, may live within his own Doors just as he pleases: None are compelled to serve either in the Army or Revenues; and all who are for promoting themselves in the Republic's Service, are sure of the kindest Welcome and Encouragement. They are under

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under no Prohibition from entering into foreign Service, unless some very particular Circumstances be objectionable : And that, in the *Venetian* Dominions, they think, speak, and act as freely as in any Part of the World, provided they do not disturb the State nor give any scandalous Example to the People, is what no *European* can deny,

To conclude ; it happens here, as every where else, that Men of Sense and Probability must observe a Medium in every Thing ; and take Care, neither for good nor bad, to draw upon themselves the Attention of the great Ones : For, wherever there are Men, there also will certainly be the Vices which have attended them from their Birth. They who imagine to check them by Laws, are, of all Men, the most mistaken, and deceive themselves to the greater Prejudice of Society, according to the well-known Principle, *nittimus in vetitum.* The fewer Laws, the fewer Crimes, and the more Liberty. Republics abound most in Laws, consequently in Transgressions. That imaginary Liberty never rises higher than in any other Form of Government :

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CHAP. XV. of Political Governments. 99

It is what every candid Man will acknowledge upon mature Reflection. There must be Virtue, there must be Honour, there must be Force every where: It is only such a Conjunction which can establish and support a Government promotive of the Happiness of Society.

*VIR vanus in Superbia erigitur, et tame
quam Pullum Onagri se liberum natum putat.*
Job xi. 12.

F I N I S.





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